

**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.**

\_\_\_\_\_ /

**RECEIVER'S SECOND OMNIBUS OBJECTION TO CLAIMS  
AND MOTION TO STRIKE CLAIMS**

Receiver, Michael I. Goldberg (the "Receiver"), pursuant to Rule 4 of the Complex Business Litigation Rules, files this Second Omnibus Objection to Claims and Motion to Strike Claims for the reasons set forth on the attached exhibits, and states as follows:<sup>1</sup>

**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 team work 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.<sup>2</sup>

3. On May 27, 2022, the Court entered an order setting a deadline of July 18, 2022, for victims of the tragedy to file claims with the Receiver in order to be eligible to compensation

---

<sup>1</sup> Importantly, unlike the previous claim objection filed by the Receiver, the Receiver does not believe any of the claimants listed on the attached Exhibit engaged in fraud. Instead, the Receiver simply believes the claimants have made inadvertent errors or are misunderstanding the Court's intent in its prior orders.

<sup>2</sup> This is in addition to the \$96 million allocated to pay unit owners for their units.

from the Settlement Fund. In accordance with that order, numerous claims were filed including those set forth in the attached exhibit.

4. On August 25, 2022, the Court entered an order granting the Receiver's First Omnibus Objection to Claims and Motion to Strike Claims whereby the claims filed by the presumptively fraudulent claimants were deemed disallowed and stricken.

5. The Receiver has reviewed analyzed the remaining claims filed in the case and now seeks to strike additional claims as reflected on Exhibit "A" for the reasons set forth therein and summarized below.<sup>3</sup> The claims listed on the attached Exhibit "A" fall into the following objection categories:

**Categories Of "Personal Injury" Claims That Should Be Disallowed And Stricken**

- Simplified personal injury claims for emotional distress in the amount of \$50,000 filed by non-Unit Owners who were not present at the time of the collapse. As indicated in the Personal Injury Simple Claim Form approved by the Court, only Unit Owners who were not present at the time of the collapse are entitled to file a simplified personal injury claim for emotional distress in the amount of \$50,000. Therefore, these claims should be stricken.

- Simplified personal injury claims for emotional distress in the amount of \$50,000 filed by a unit owner and/or an individual who has a beneficial interest in a unit through a company or trust, who owned multiple units at the Champlain Towers. The Receiver believes that the personal injury awards for emotional distress were not intended to provide "double" recovery to a unit owner who owned multiple units as the unit owner did not suffer double the amount of emotional distress simply because they own multiple units. For example, if one unit is titled in the

---

<sup>3</sup> On September 8, 2022, the Receiver filed a Motion to Allow Liquidated Claims for those remaining claims that he believes should be approved by the Court, and the Court granted same on September 9, 2022.

individual's name and the other unit is titled in the name of the individual's business or trust for which they have a beneficially interest, only one claim should be allowed.

- Duplicate Personal Injury Simple Claim Forms filed by same Claimant for the same damages. The Receiver believes that most of these duplicate claims were filed inadvertently by the claimant and their attorney, and therefore only one claim should be allowed.

- Personal injury simple claim filed on behalf of a unit owner who died prior to the collapse. The Receiver contends that such claimant could not have suffered any personal injuries and/or emotional distress because they were deceased prior to the collapse, and therefore their claim should be disallowed and stricken.

**Categories Of "Personal Property/Content" Claims That Should Be Disallowed And Stricken**

- Personal Property/Content Claim of family member residing in unit whose economic losses were previously paid by unit owner's insurance carrier.

- Personal Property/Content Claim of family member who was not residing and/or present in the Unit on June 24, 2021.

- Personal Property/Content Claims filed by unit owners whose economic claims were resolved pursuant to the terms of the Allocation Settlement Agreement approved by the Court on April 6, 2022.

- Personal Property/Content Claims that were satisfied in the Court's personal injury Awards to claimants.

- Personal Property/Content Claims submitted by former Champlain Tower employees and contractors working in the building at the time of the Collapse who have not provided the Receiver with any supporting documentation to substantiate their losses.<sup>4</sup>

**WHEREFORE**, the Receiver respectfully requests the Court to enter an order (i) setting a hearing before the Court to provide those Claimants listed on Exhibit "A" with an opportunity to be heard on the Receiver's objection to their claim (ii) allow said Claimants to state their position or provide additional supporting documentation to the Receiver to substantiate their claim and (iii) strike and otherwise disallow the claims of those Claimants who fail to appear at such hearing or fail to provide competent evidence in support of their claims. The Receiver further requests that the Court (iv) grant such other relief as is just and proper.

Respectfully submitted,

/s/ Michael I. Goldberg

Michael I. Goldberg, Esq.

Florida Bar Number: 886602

AKERMAN LLP

201 E. Las Olas Boulevard, Suite 1800

Fort Lauderdale, Florida 33301-2999

Tel: (954) 463-2700

Fax: (954) 463-2224

Email: [michael.goldberg@akerman.com](mailto:michael.goldberg@akerman.com)

Secondary Email: [charlene.cerda@akerman.com](mailto:charlene.cerda@akerman.com)

*Court-Appointed Receiver*

---

<sup>4</sup> The Receiver has resolved the two claims filed by former employees for loss of personal property for a total of \$6,000.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on September 28, 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.

**I HEREBY FURTHER CERTIFY** that on September 28, 2022, a copy of the foregoing was served by email to all the claimants listed in the attached Exhibit A at the email addresses listed by them in their claim forms. The foregoing will also be published on the receivership website at [www.ctsreceivership.com](http://www.ctsreceivership.com).

By: *s/ Michael I. Goldberg*  
Michael I. Goldberg

Exhibit "A"  
Disallowed Claims

Claim No.	Claim Type	Claimant Name	CTS Unit Number	Claim Status	Reason
PI-S-0074	PI Simple	Anabelle Diamond Brecker	101	OBJECTION PENDING	Claimant was not present at the time of the collapse and was not a unit owner.
PI-S-0293	PI Simple	Rodrigo Selem Cache	803	OBJECTION PENDING	Duplicate Claim. Claimant owns and/or is a beneficial owner of Units 306 and 803. The Personal Injury award was not intended to provided double injury damages due to multiple unit ownership. Therefore, the Receiver recommends that Claim # PI-S-0136 be allowed for Unit 306 and Claim # PI-S-0293 for Unit 803 shall be disallowed and stricken.
PI-S-0306	PI Simple	Olga Varela	807	OBJECTION PENDING	Duplicate Claim. Claimant owns and/or is a beneficial owner of Units 502 and 807. The Personal Injury award was not intended to provided double injury damages due to multiple unit ownership. Therefore, the Receiver recommends that Claim # PI-S-0214 be allowed for Unit 502 and Claim # PI-S-0306 for Unit 807 shall be disallowed and stricken.
PI-S-0324	PI Simple	Jose A. Gonzalez	904	OBJECTION PENDING	Duplicate Claim. Claimant filed two Personal Injury Simple Claim Forms (Claim #s PI-S-0322 and PI-S-0324). Therefore, the Receiver recommends that Claim # PI-S-0322 be allowed and Claim # PI-S-00324 be disallowed and stricken.
PI-S-0420	PI Simple	Maricela Del Pilar Maury	1111	OBJECTION PENDING	Duplicate Claim. Claimant owns and/or is a beneficial owner of Units 601 and 1111. The Personal Injury award was not intended to provided double injury damages due to multiple unit ownership. Therefore, the Receiver recommends that Claim # PI-S-0231 be allowed for Unit 601 and Claim # PI-S-0420 for Unit 1111 be disallowed and stricken.
PI-S-0447	PI Simple	Gerald Samuel Fialkov c/o Estate of Joseph Fialkov	1212	OBJECTION PENDING	Unit Owner died prior to the collapse, therefore, Unit Owner did not suffer any personal injury damage.

Exhibit "A"  
Disallowed Claims

Claim No.	Claim Type	Claimant Name	CTS Unit Number	Claim Status	Reason
PP-S-0008	PP/Contents-S	Anabelle Diamond Brecker	101	OBJECTION PENDING	Claimant was a resident of Unit 101 and was previously compensated for all personal property/contents losses through Unit Owner's insurer which covered claimant's personal property losses requested herein.
PP-S-0015	PP/Contents-S	Daniel Eduardo Urgelles, as Personal Representative for the Estate of Raymond Urgelles and the Estate of Mercedes Urgelles	211	OBJECTION PENDING	Pursuant to the terms of the Allocation Settlement Agreement all claims by unit owners for property damage or economic loss of their unit (including contents) were deemed settled. The claim filed herein was on behalf of the Decedents' who were unit owners through their Revocable Living Trust and as such their claims were deemed settled.
PP-S-0026	PP/Contents-S	Carolina Portocarrero and Margarita M. Leon as Co-Personal Representatives for the Estate of Margarita Vazquez-Bello	411	OBJECTION PENDING	Decedent was a beneficial owner of Unit 411 through her company <u>Beach Residential, Investment LLC</u> . Pursuant to the terms of the Allocation Settlement Agreement all claims by unit owners for property damage or economic loss of their unit (including contents) were deemed settled.
PP-S-0029	PP/Contents-S	Mauricio Juan Kaufmann, as Personal Representative for the Estate of Maria Gabriela Camou-Font and the Estate of Miguel Leonardo Kaufman Kempinski	510	OBJECTION PENDING	Decedents were beneficial owners of Unit 510 through their company <u>Platinum One, LLC</u> . Pursuant to the terms of the Allocation Settlement Agreement all claims by unit owners for property damage or economic loss of their unit (including contents) were deemed settled. Therefore, the Receiver recommends that the claim be disallowed and stricken.
PP-S-0034	PP/Contents-S	Joel Brandon Kleiman Levin	702	OBJECTION PENDING	Claimant was not residing and/or present in a unit at CTS on June 24, 2021.
PP-S-0064	PP/Contents-S	Francisco A. Guillen	Contractor	OBJECTION PENDING	No support provided to substantiate claim.

Exhibit "A"  
Disallowed Claims

Claim No.	Claim Type	Claimant Name	CTS Unit Number	Claim Status	Reason
PP-S-0065	PP/Contents-S	Marvin Jeovanny Arriola Martinez	Contractor	OBJECTION PENDING	No support provided to substantiate claim.
PP-S-0061	PP/Contents-S	Rolando Miguel Tamames	CTS Employee	RESOLVED	Claim resolved for \$3,500.
PP-S-0062	PP/Contents-S	Luis Angel Juarez	CTS Employee	RESOLVED	Claim resolved for \$2,500.
PP-S-0063	PP/Contents-S	Shamoka Latron Furman	N/A	OBJECTION PENDING	Claimant's Personal Injury Award satisfied this damage claim.
PP-F-0024	PP/Contents-F	Julio Cesar Alonso Chocho	508	OBJECTION PENDING	Claimant is a beneficial owner of Unit 508 through his company <u>Caya Homes and Investment Corp.</u> Pursuant to the terms of the Allocation Settlement Agreement all claims by unit owners for property damage or economic loss of their unit (including contents) were deemed settled. Therefore, the Receiver recommends that the claim be disallowed and stricken.
PP-F-0036	PP/Contents-F	Gracia Ezra & Danny Magid c/o Lilac Invest Ltd.	902	OBJECTION PENDING	Claimants are beneficial owners of Unit 902 through their company <u>Lilac Invest Ltd.</u> Pursuant to the terms of the Allocation Settlement Agreement all claims by unit owners for property damage or economic loss of their unit (including contents) were deemed settled. Therefore, the Receiver recommends this claim be disallowed and stricken.



Exhibit "A"  
Disallowed Claims

Claim No.	Claim Type	Claimant Name	CTS Unit Number	Claim Status	Reason
PP-F-0039	PP/Contents-F	Michael Setbourn c/o Setflore LLC	1104	OBJECTION PENDING	Claimant is a beneficial owner of Unit 1104 through his company <u>Setflore, LLC</u> . Pursuant to the terms of the Allocation Settlement Agreement all claims by unit owners for property damage or economic loss of their unit (including contents) were deemed settled. Therefore, the Receiver recommends that the claim be disallowed and stricken.
PP-F-0045	PP/Contents-F	Shamoka Latron Furman	N/A	OBJECTION PENDING	Claimant's Personal Injury Award satisfied this damage claim.