

**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 UNOPPOSED MOTION TO CONTINUE HEARING ON *RECEIVER'S
MOTION TO CONFIRM COMPLIANCE WITH ARTICLE 6.7 OF THE SETTLEMENT
AGREEMENT IN CONTEMPLATION OF DISTRIBUTION***

Michael I. Goldberg (the "Receiver"), moves to continue the January 3, 2023, 2:00 p.m., hearing on the *Receiver's Motion to Confirm Compliance with Article 6.7 of the June 2022 Settlement Agreement in Contemplation of Distribution* ("Receiver's Motion to Confirm"). Neither Plaintiffs' counsel nor the Terra Defendants' counsel oppose this requested continuance,¹ which is primarily sought because the parties are working to resolve the issues raised by the *Receiver's Motion to Confirm* and anticipate that the issues raised can be resolved without a hearing.

In support of this motion, the Receiver states as follows:

1. The *Receiver's Motion to Confirm Compliance* was filed on November 18, 2022.

The Court re-noticed the hearing on the motion for January 3, 2023, at 2:00 p.m.

2. Class Plaintiffs, the Terra Defendants, and DeSimone are the only parties to file responses to the motion. Their counsel have been involved in discussions of the issues raised and

¹ Plaintiffs and counsel for 8701 Collins Development, LLC, Terra World Investments, LLC and Terra Group, LLC (the "Terra Defendants") filed the primary responses to the *Receiver's Motion to Confirm*. The only other response was *Defendant DeSimone Consulting Engineers LLC's Notice of Joining 8701 Collins, TWI and TG's Response and Objection to the Release of the Subrogation Holdback Sum*. Upon information and belief, DeSimone Consulting Engineers LLC ("DeSimone") similarly does not oppose the requested continuance.

believe that the issues raised by the *Receiver's Motion to Confirm Compliance* may be resolved amicably such that a hearing is unnecessary.

3. In addition, Plaintiffs' Lead Co-Counsel are out of town and the Receiver has a long-planned out-of-country vacation commencing at the end of this week, both of which make discussions of the issues more complicated than ideal.

4. Accordingly, the Receiver requests – on an unopposed basis – that the hearing on the *Receiver's Motion to Confirm Compliance* be rescheduled such that counsel may complete their discussions.

5. A proposed order is attached as Exhibit A and will be uploaded to CourtMap concurrently with the filing of this motion.

Respectfully submitted;

Date: January 3, 2023

AKERMAN LLP
201 East Las Olas Boulevard, Suite 1800
Fort Lauderdale, Florida 33301-2229
Telephone: (954) 463-2700
Facsimile: (954) 463-2224

By: /s/ Christopher S. Carver
Christopher Carver, Esq.
Florida Bar No. 993580
christopher.carver@akerman.com
cary.gonzalez@akerman.com

Counsel for Receiver Michael I. Goldberg

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 3, 2023, a copy of the *Receiver's Unopposed Motion to Continue Hearing on Receiver's Motion to Confirm Compliance with Article 6.7 of the Settlement Agreement in Contemplation of Distribution* was electronically filed with the Clerk of Court by using the Florida Courts E-Filing Portal and furnished a copy of same to all counsel of record through the Florida Court's E-Filing Portal.

By: /s/ Christopher S. Carver
Attorney

Exhibit A

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CASE NO: 2021-015089-CA-01

SECTION: CA43

JUDGE: Michael Hanzman

In re:

Champlain Towers South Collapse Litigation.

**ORDER GRANTING
RECEIVER'S UNOPPOSED MOTION TO CONTINUE HEARING ON *RECEIVER'S
MOTION TO CONFIRM COMPLIANCE WITH ARTICLE 6.7 OF THE SETTLEMENT
AGREEMENT IN CONTEMPLATION OF DISTRIBUTION***

THIS MATTER came before the Court upon the *Receiver's Unopposed Motion to Continue Hearing on Receiver's Motion to Confirm Compliance with Article 6.7 of the Settlement Agreement in Contemplation of Distribution* ("*Receiver's Unopposed Motion to Continue Hearing*"). The Court, having considered the *Receiver's Unopposed Motion to Continue Hearing* and otherwise being advised in the premises, does hereby,

ORDER AND ADJUDGE as follows:

1. The *Receiver's Unopposed Motion to Continue Hearing* is **GRANTED**.
2. The January 3, 2023, hearing on the *Receiver's Motion to Confirm Compliance with Article 6.7 of the Settlement Agreement in Contemplation of Distribution* is **CONTINUED**.
3. Absent a filing/submission showing that the issues have been resolved, the *Receiver's Motion to Confirm Compliance with Article 6.7 of the Settlement Agreement in Contemplation of Distribution* shall be heard on _____ at ____ a.m./p.m.

DONE and ORDERED in Chambers at Miami-Dade County, Florida, on this 3d day of January 2023.

Hon. Michael Hanzman
Circuit Court Judge