

**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 MOTION TO INCREASE DISTRIBUTION TO
VICTIMS WITH AWARDS BY \$6.5 MILLION**

Receiver, Michael I. Goldberg (the "Receiver"), the court appointed receiver of Champlain Towers South, pursuant to Rule 4 of the Complex Business Litigation Rules, files this Motion To Increase Distribution to Victims With Awards by \$6.5 million. In support of this Motion, the Receiver states as follows:

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

2. Throughout late July and August, 2022, the Honorable Michael A. Hanzman, sitting in his capacity as Claims Administrator in the above referenced case ("Claims Administrator"), undertook the arduous and extremely emotional task of allocating settlement funds to the victims of this horrible tragedy. In August, the Claims Administrator distributed written "Awards," setting forth the amount to be paid from the Settlement Fund to each eligible claimant. In total, the Claims Administrator entered written awards totaling approximately \$1,083,000,000. From this amount, the Court ordered the Receiver to pay the Plaintiffs' lawyers who represented the victims \$65 million in fees in handling the litigation plus an additional approximate \$10 million in fees and expenses to counsel who represented victims through the claim process. Therefore victims paid

roughly 7% of their total recovery in legal and expert fees—a percentage that is ridiculously low compared to contingency fee rates in ordinary wrongful death cases. To date, the Receiver has made a first distribution to the victims whereby he distributed slightly more than 90 percent of the award amounts to the victims.

3. Pursuant to the settlement agreement with the various defendants, the Receiver held back an addition roughly 2.9 percent (\$30 million) (the "Holdback Funds") from the settlement funds. Therefore, to date, Victims have only been paid approximately 90 percent of their award. Recently, however, the Court entered an agreed order authorizing the Receiver to distribute the Holdback Funds to the victims on a *pro-rata* basis. In the next 30 days or so the Receiver intends to distribute the Holdback Funds to the victims in a second distribution.

5. Based on interest earned on the settlement funds, some additional minor settlements and administrative savings, the Receiver estimates that he will have approximately \$10 million in excess funds in the estate after payment of accrued but unpaid legal expenses and other estate obligations. In an abundance of caution, the Receiver must hold back sufficient funds to pay potential taxes due to the IRS on the accrued interest. Therefore, the Receiver seeks permission to pay the victims with awards an additional \$6.5 million which will offset the legal fees previously deducted from the victims' awards.

WHEREFORE, the Receiver respectfully requests the Court to enter an order authorizing him to make a final distribution including an additional \$6.5 million to the victims with awards along with the \$30 million holdback (total of \$36.5 million) and granting such other relief as is just and proper.

Dated: January 27, 2023

Respectfully submitted,

/s/ Michael I. Goldberg

Michael I. Goldberg, Esq.

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Court-Appointed Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 27, 2023, 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