

**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 FOR AUTHORIZATION TO DONATE POTENTIAL  
MONEY LEFT OVER AFTER PAYMENT OF ALL AWARDS, TAXES,  
AND ADMINISTRATIVE EXPENSES TO FUND A MEMORIAL FOR THE VICTIMS**

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 For Authorization to Donate Potential Money Left Over After Payment of All Awards, Taxes, and Administrative Expenses to Fund a Memorial For the Victims.

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.

3. In August, the Claims Administrator issued written "Awards," setting forth the amount to be paid from the Settlement Fund to each eligible claimant. In total, the Claims Administrator entered 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' recoveries were reduced by roughly 7 percent of the total recovery for attorneys' fees, expert fees, and costs – a percentage that is significantly lower than the standard contingency fee percentage awardable in wrongful death cases.<sup>1</sup>

4. To date, the Receiver has made a first distribution to victims whereby he distributed slightly more than 90 percent of the Award amounts.

5. In accordance with the Settlement Agreements giving rise to the Settlement Fund, the Receiver held back an additional roughly 2.9 percent (\$30 million) (the "Holdback Funds") from the Settlement Funds. Recently, however, the Court entered an agreed order authorizing the Receiver to distribute the Holdback Funds to victims on a *pro-rata* basis along with another order authorizing the distribution of an additional \$6.5 million. The Receiver is currently in the process of distributing those additional funds.

6. After the Receiver completes these distributions, he will have fully distributed all sums owed to victims pursuant to the Awards by the Claims Administrator. In addition, the Receiver is nearly finished in distributing the sums owed to Unit Owners for the loss of their condominiums. After the distribution, the main tasks left for the Receiver will be to resolve the competing claims to the personal property found on the site, administer the wind down of the Qualified Settlement Fund ("QSF"), and be available to assist the victims' families with various other issues that arise in connection with the case.

7. The Receiver is holding back additional funds to cover all potential taxes and administrative expenses of the Receivership and winding up the QSF. It is likely that, after payment

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<sup>1</sup> See Rule 4-1.5(f)(4)(B)(1), R. Reg. Fla. Bar (eff. 2-May-22).

of these taxes and administrative expenses and winding up the QSF, funds may remain in the Receivership Estate (“Excess Funds”).

8. At this point, it is not possible to predict the amount of Excess Funds, if any. In prior cases in which the Receiver has served as a receiver or trustee, the Receiver has been directed to pay excess funds to a charity. The Receiver believes that similar direction by the Court is appropriate in this case and recommends that the Excess Funds, if any, be directed to the funding of an appropriate memorial for the victims who perished in the collapse.

9. The Receiver makes this recommendation because virtually every interested person the Receiver has spoken with over the past year and a half has recognized that a memorial would be appropriate to ensure that the victims’ and their families’ losses are not forgotten.

10. To date, for one reason or another, little progress has been made towards creating such a memorial.

11. Accordingly, if the Court were to grant this motion, the Receiver respectfully suggests that the Court authorize him to appoint a Board of Advisors to work with the Receiver to accomplish this task and approve the expenditure of any Excess Funds directed to this cause, thereby ensuring that any Excess Funds will properly be devoted to the design and construction of an appropriate memorial recognizing this tragedy.

**WHEREFORE**, the Receiver respectfully requests the Court to enter an order authorizing him to distribute Excess Funds, if any, to a fund for a memorial for the victims and their families, and granting such other relief as is just and proper.

Dated: February 14, 2023

Respectfully submitted,

/s/ Michael I. Goldberg

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*Court-Appointed Receiver*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on February 14, 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