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Consolidated Surfside Complaint Targets Condo Association

By **Carolina Bolado**

Law360 (August 17, 2021, 5:39 PM EDT) -- Former residents of the collapsed Champlain Towers South building in Florida filed a consolidated complaint against their condominium association late Monday, marking the start of a proposed class action over the June disaster that killed 98 people.

The consolidated complaint says the association knew about problems with the Surfside structure but failed to warn residents about them and did not take steps to make repairs until it was too late.

"Tragically for plaintiffs and members of the classes, the association never warned that Champlain Towers South's known structural defects posed severe risks to their lives, safety and property," the plaintiffs said in the suit. "In fact, the association did just the opposite by allowing the building to remain occupied and treating the critical structural defects as little more than a financial nuisance."

Named plaintiffs include Raquel Azevedo de Oliveira, who lived in Unit 512; Kevin Spiegel of Unit 603; Raysa Rodriguez of Unit 907; and Steve Rosenthal of Unit 705. All four want to act as representatives for the general liability class, which will include anyone affected by the June 24 collapse, either through loss of property or injury or death.

Azevedo and Spiegel, who were both traveling at the time the building caved in, also want to represent a subclass of those injured in the collapse and relatives of the 98 who perished. Azevedo's husband and 5-year-old son died, as did Spiegel's wife.

Rodriguez and Rosenthal asked to represent the economic loss subclass of owners and renters who survived but lost property.

Rachel Furst of Grossman Roth Yaffa Cohen, one of the lead attorneys coordinating the litigation, said the plaintiffs' legal team opted to sue just the association in this initial complaint because it wants to take the next 60 to 90 days to see what its investigation yields.

"We've served discovery, have sent out subpoenas. We're working with our experts, and we're investigating liability," she said. "We take that work seriously, and we need to do more of it in order to name defendants in the next amended complaint."

The suit says that a 2018 report by Morabito Consultants Inc. showed "obvious and pervasive structural problems" at the 12-story beachside residential tower, which had 136 units. There was concrete spalling on the slab edges of balconies and major structural damage to the concrete slab below the pool deck and driveway entrance due to a waterproofing failure that allowed significant water intrusion, according to the suit.

But the condo association failed to take action to make needed repairs and didn't warn residents that the defects posed severe risks to their lives, according to the suit. The plaintiffs say that the association did not inform unit owners until an April 2021 letter to residents in which Board President Jean Wodnicki laid out the need for a \$15 million assessment to cover the cost of the repairs ahead of a board meeting the following week.

The collapse spurred multiple lawsuits, which were consolidated before Miami-Dade Circuit Judge Michael Hanzman. The judge has appointed Michael Goldberg of Akerman LLP as the receiver for the condominium association. In that capacity, Goldberg has been marshaling assets, negotiating with

insurers — most of which have tendered their policy limits — and cutting checks to displaced residents for relocation expenses and to relatives of the deceased for end-of-life services.

Goldberg's attorney Paul Singerman of Berger Singerman LLP told Law360 on Tuesday that the receiver would not comment on the case.

Goldberg is represented by Paul Singerman and Jordi Guso of Berger Singerman LLP.

The plaintiffs are represented by Harley Tropin and Javier Lopez of Kozyak Tropin Throckmorton, Rachel Furst and Stuart Grossman of Grossman Roth Yaffa Cohen, Ricardo Martinez-Cid of Podhurst Orseck PA, Adam Moskowitz of The Moskowitz Law Firm, MaryBeth LippSmith of LippSmith LLP, John Ruiz of MSP Recovery Law Firm, Curtis Miner of Colson Hicks Eidson, Brad Sohn of Brad Sohn Law, John Scarola of Searcy Denney Scarola Barnhart & Shipley PA, Robert Mongeluzzi of Saltz Mongeluzzi & Bendesky PC, Shannon Del Prado of Pita Weber Del Prado, Gonzalo Dorta of Dorta Law, Judd Rosen of Goldberg & Rosen PA, Luis Suarez of Heise Suarez Melville PA, Jorge Silva of Silva & Silva PA and Willie Gary of Willie Gary Law Firm.

The case is In re: Champlain Towers South Collapse Litigation, case number 2021-015089-CA, in the Eleventh Judicial Circuit Court of the State of Florida.

--Editing by Jill Coffey.

Update: This story has been updated to include additional attorney information.