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Surfside Collapse Trial Would Start No Later Than Summer

By **Nathan Hale**

Law360, Miami (December 1, 2021, 4:45 PM EST) -- A potential trial in the putative class action brought by victims of the collapse of the Champlain Towers South condominium in Surfside, Florida, would take place next summer at the latest, the trial judge said Wednesday, reiterating his pledge not to let the matter drag out.

During a regularly scheduled status conference, Miami-Dade Circuit Judge Michael A. Hanzman agreed to extend the deadline for defendants to respond to the **second amended complaint** by about two weeks to Dec. 30. But he reminded the attorneys, especially those for the newly added defendants, that he had said at the outset of the litigation that it will not be "business as usual" and the court would move the case forward without extensions.

"I'll accept [the deadline extension] but do not let that delay your preparation," he told plaintiffs' co-chair Rachel Furst, a partner at Grossman Roth Yaffa Cohen PA. "Get your discovery out ... and you all better roll up your sleeves and get moving, because come next summer we're going to be picking a jury in this case to the extent these claims survive."

Addressing defense counsel, Judge Hanzman cautioned them, as he had plaintiffs' counsel before, not to take the case if they are not prepared to put in the time and effort needed to meet the court's schedule.

"I'm telling them loudly and clearly, do not appear in this case before me if you cannot throw all the resources you need at it to be ready for trial by next summer, because it's not going to go beyond that," he said.

The judge said the first hearing in January will be an initial case management conference and that he will issue a trial order at that time. He indicated that he will likely pick a July or August trial date and told Furst that the parties can try to reach a consensus among themselves on various pretrial deadlines, including for discovery and class certification, based on that goal.

"You can agree to whatever deadlines you want, as long as you don't touch the trial date," he said.

"Fair," Furst replied.

Furst informed the court that all the defendants have been served the second amended complaint. She said plaintiffs' counsel are conferencing with the recently added defendants, including the law firm Becker & Poliakoff PA and parties associated with the construction of the neighboring Eighty Seven Park luxury condominium, to ensure their discovery responses are comprehensive.

Other aspects of the litigation are also moving forward, along with efforts to sell the oceanfront property, the various parties reported.

Akerman LLP partner Michael Goldberg, who is serving as the court-appointed receiver for the condominium association, said he is close to finalizing a protocol for a single laboratory to collect samples from the building site that will be available to all the parties. That should reduce needed time, costs and potential disputes over competing samples, he said.

Dubai, United Arab Emirates-based Damac Properties PJSC, which has made a **\$120 million**

stalking horse bid for the property, has agreed to that plan, starting the clock on its 60-day window to perform due diligence before locking in the offer, Goldberg added.

Furst and other attorneys also reported that mediation efforts have resumed over how to split any funds that come to the condominium association's estate between victims that have property loss claims and those with wrongful death claims. This has emerged as an early point of contention among potential class members.

The partial collapse of the tower on June 24 claimed the lives of 98 people. The section of the 12-story building that remained upright was demolished a few days later.

The plaintiffs are represented by Harley Tropin and Javier Lopez of Kozyak Tropin & Throckmorton, Rachel Furst and Stuart Grossman of Grossman Roth Yaffa Cohen PA, 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, Brad Sohn of The Brad Sohn Law Firm PLLC, 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 Gary Williams Parenti Watson & Gary PLLC.

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

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 Bruce Goldman.