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Surfside Victims Reach \$997M In Settlements

By **Carolina Bolado**

Law360, Miami (May 11, 2022, 3:41 PM EDT) -- Attorneys representing the victims of the Champlain Towers South condominium collapse in Surfside, Florida, announced Wednesday that they had secured \$997 million in proposed settlements, ending the consolidated claims against all but one defendant.

In a hearing in Miami before Eleventh Judicial Circuit Judge Michael Hanzman, Harley Tropin of Kozyak Tropin & Throckmorton, who is co-lead counsel for the plaintiffs in the consolidated litigation, said the settlements against a slew of defendants — and some parties that were targeted but not yet named as defendants — will bring closure to the victims of the catastrophic building collapse that killed 98 people on June 24, 2021.



A Florida judge remarked at a hearing Wednesday that he was "at a loss for words" after parties reached a nearly \$1 billion settlement for the survivors of a high-rise condominium collapse that killed 98 people near Miami, less than a year since the incident on June 24, 2021. (AP Photo/Mark Humphrey)

"We will be done, they will be done, and the money will be distributed," Tropin said. "These victims will get some measure of relief."

Plaintiffs' co-lead counsel Rachel Furst of Grossman Roth Yaffa Cohen PA said the only remaining defendant is GeoSonics Inc., which provided vibration monitoring services for Eighty Seven Park, the luxury residential tower next door to Champlain Towers South that was completed in 2019. The plaintiffs claimed that construction on the tower destabilized their own building and contributed to the collapse.

Furst said the attorneys are negotiating with GeoSonics and hope to reach a deal soon.

Judge Hanzman said he was "at a loss for words."

"The result that has been achieved in this case and the speed with which it has been achieved is beyond extraordinary," the judge said. "If the right people were not running this case, this could have turned into a decade-long slog."

The \$997 million figure includes some settlements that had already been announced, like **deals** with the condominium association's law firm, Becker & Poliakoff PA, and Morabito Consultants Inc., the engineering firm that had inspected the building in 2018 as part of its required 40-year certification process.

New settlements include agreements with Eighty Seven Park's condominium association, as well as all of the development and construction team associated with that project, with the exception of GeoSonics. The plaintiffs also negotiated deals with the town of Surfside and a slew of companies involved in waterproofing, concrete restoration and other related industries.

Akerman LLP's Michael Goldberg, who is serving as the court-appointed receiver for the ill-fated building's condominium association, added that the \$997 million does not include the \$50 million he already has in insurance proceeds from the association's policies. The proceeds of the coming auction of the property, scheduled for May 24, will add at least another \$120 million to the estate, he said.

Judge Hanzman said he wants the settlement agreements filed with the court within a week and plans to hold a final fairness hearing sometime in mid- to late June. The goal, he said, is to have the global settlement approved and the case closed by the first anniversary of the collapse on June 24.

Plaintiffs will be given the chance to opt out of the global agreement and pursue claims on their own, but they will not be able to "cherry-pick" deals in which to participate or opt out, he said.

All proceeds from the settlements will go to the receivership, which will then begin the process of evaluating claims from victims and their families and disbursing funds. Judge Hanzman said he hopes to have checks out to victims by this fall.

Almost all the property loss claims will have been cleared out of the litigation through an **\$83 million settlement** approved in March, though plaintiffs' attorneys noted that a few property loss claims remain. Several survivors in the property loss group also will be filing personal injury claims for post-traumatic stress disorder, anxiety and other mental health illnesses brought on by the collapse. And there are the 98 wrongful death claims that will be filed by the victims' families.

On Wednesday, Judge Hanzman stressed to the attorneys that he does not want the claims process to be overly complicated or burdensome.

"I'm looking for reasonableness, not perfection," he said. "I don't want victims to be overtaxed."

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.

Michael Goldberg, the trustee for the Champlain Towers South Condominium Association, is represented by Paul Singerman and Jordi Guso of Berger Singerman LLP; Andrew P. Gold, Christopher Carver and Brenda Radmacher of Akerman LLP; and Mark Boyle and Amanda Anderson of Boyle, Leonard & Anderson PA.

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 Robert Rudinger.

Update: This article has been updated with more details about the proposed settlements.

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