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SDSBS part of team in \$1.021 billion class action settlement for deadly Florida condominium collapse

Beachfront condo in Surfside, Fla., partially collapsed killing 98 people, injuring dozens more.

On June 24, 2021, shortly after 1:00 a.m., Champlain Towers South (CTS), a 12-story beachfront condominium in Surfside, Florida, just north of Miami Beach, partially collapsed. Ninety-eight people died. Four people were rescued from the rubble, one of whom died shortly thereafter. Eleven people were physically injured and dozens more suffered the trauma of near-death experiences. Later that same day, emergency responders rescued thirty-five residents from the portion of the building that was still standing. Ten days later, the remaining structure had to be demolished.

Almost immediately after the tragedy, allegations flew from all directions regarding the cause of the collapse and the various factors that contributed to the tremendous loss of life and property. Responsibility for control of all related litigation was assigned to Miami Dade Circuit Court Judge Michael Hanzman of the Florida State Courts' Complex Litigation Division. Within days, an extraordinary process began under Judge Hanzman's close supervision. His first step was to call for volunteers willing to work with no guarantee of compensation in representing the victims of this unprecedented tragedy. Searcy Denney attorney **Jack Scarola** was among the attorneys answering that call. This firm was part of the elite group selected by the Court to serve as the Plaintiffs' Steering Committee – the leadership team with the responsibility to investigate the causes of the collapse, to identify all responsible parties, and to prosecute claims for



compensation on behalf of all victims. Assisting Mr. Scarola in these responsibilities were attorneys **Chris Searcy**, **Mariano Garcia**, and **David Vitale**. They were joined by senior paralegals Chris Rodgers and Nydia Serrano.

The main contributing factor leading to the collapse – in the still-proceeding investigation – is long-term degradation of reinforced concrete structural support in the basement-level parking garage under the residential units. The degradation was due to water penetration and corrosion of the reinforcing steel. These problems were initially reported in 2018 and found to be “much worse” in April 2021. A \$15 million remedial works program had been approved before the collapse, but work had not yet begun. At first, a determination of responsibility and liability seemed incredibly complex, considering the many entities involved in decisions concerning the structural integrity of Surfside and the eligibility of claimants.

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**Judge asked for volunteer attorneys
to represent victims of the tragedy.
Searcy Denney was included
in the selection of the
Plaintiffs' Steering Committee.**

SDSBS part of team in \$1.021 billion class action settlement for deadly Florida condominium collapse

(Continued from page one.)

In less than one year, the efforts of the Plaintiffs' Steering Committee culminated with confirmed settlements of over \$1,021,000,000. Settlements included negotiated contributions from over 30 entities alleged to have had some role in causing the collapse.

CLASS ACTION

The CTS case proceeded almost immediately as a class action. In such a lawsuit, representative plaintiffs, known as "class representatives," assert claims on behalf of the entire group of victims damaged as a consequence of a common event or legal cause. One court resolves the issues for everyone in the class except those who choose to exclude themselves by "opting out." The CTS Settlement Class Members include unit owners, invitees, residents, and other persons who, as a result of the collapse, died or sustained personal injury (including emotional distress). It also includes persons or entities who suffered a loss of or damage to real or personal property or suffered other economic loss as a result of the collapse. The Settlement Agreement is available at www.ctsreceivership.com and provides a more detailed description of class membership. Briefly, only the following claims will be considered as part of this settlement: (1) wrongful death claims by surviving relatives of collapse victims; (2) physical and emotional injury of a class member as a result of the collapse; and (3) loss of personal

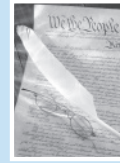


property of a class member (not a unit owner) who was a resident or guest at CTS. A hearing was held on June 23, 2022, before Judge Hanzman who gave final approval of the \$1.021 billion settlement - the second largest class action lawsuit in Florida history. The Judge praised the settlement in court, stating that it was "remarkable not only in terms of its size, but for its speed."

FILING CLAIMS

Settlement Class Members may apply for compensation out of the settlement fund by completing, and executing under oath, a simple or a detailed claim form. The simple claim form allows Class Members to make claims for pre-set amounts rather than undergo an evaluation process conducted by the Court. A copy of the simple claim form, including a statement regarding eligibility for compensation, is available at www.ctsreceivership.com. Members who choose not to file the simple claim form may file a detailed claim form. The Court will evaluate claims for wrongful death, personal injury, and property loss pursuant to a claims protocol and process that involves a review of more detailed claim forms and supplemental material and discussion with claimants, family, and counsel. The Court will then determine the Member's eligibility for compensation and the amount. Information regarding this process is also available at the website noted above. The deadline for filing a claim in either manner was scheduled for July 18, 2022.

Searcy Denney takes great pride in having played a role in the extraordinary accomplishments of the CTS Plaintiffs' Steering Committee led by attorneys Harley Tropin and Rachel Furst. We are especially grateful for the opportunity to have worked alongside them and with attorneys Stuart Grossman and Adam Moskowitz with whom we continue a long-standing co-counsel relationship. ◆



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