



Blockbuster Surfside Settlement Left Judge Speechless

*By Carolina Bolado
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Miami -- The nearly \$1 billion in settlements in the Champlain Towers South condominium collapse litigation resolved what could have been a messy, emotionally charged dispute pitting neighbor against neighbor and was an outcome that left Judge Michael Hanzman, who took pains to expedite the complicated case, speechless.

Judge Hanzman had no advance warning that the victims' attorneys, assembled in a Miami courtroom Wednesday for what was supposed to be a routine status conference, **would announce** the resolution of their claims against dozens of entities, some of which had not even officially been named as defendants yet, for \$997 million.

"I think that was a highlight of my career when I saw his reaction," Harley Tropin of Kozyak Tropin & Throckmorton LLP, who is serving as co-lead counsel for the plaintiffs, told Law360.

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

But then he added, "The result that has been achieved in this case and the speed with which it has been achieved is beyond extraordinary. If the right people were not running this case, this could have turned into a decadelong slog."

The stunning result, announced just weeks before the one-year anniversary of the June 24, 2021, collapse that killed 98 people, was the product of skillful guidance by Judge Hanzman, tireless efforts by mediator Bruce Greer, and a team of plaintiffs attorneys who worked together seamlessly, according to Tropin, who co-chaired the team with Rachel Furst of Grossman Roth Yaffa Cohen.

"This is the unicorn of class actions and mass torts in terms of the time in which it has been resolved and the amount of money taken in," Furst said.

The deals were negotiated individually, with Greer presiding over almost every one, but will be rolled into a single global settlement for Judge Hanzman to approve, which he says he hopes to do before the end of June. That means that instead of going to trial in the fall as planned, families of the victims of the collapse should begin to receive checks at around that time.

The rapid result is not unprecedented, according to Adam Zimmerman, a professor at Loyola Law School, Los Angeles, but it is unusual.

"This can be done, but it requires plaintiffs, defendants and insurers to really want to resolve cases out of court and to concede tough liability and causation questions," Zimmerman said.

Attorneys involved in the litigation said they were spurred on by a desire to help get relief for the victims of the tragedy — and by the tight deadlines set forth by Judge Hanzman, who from the start said he would brook no delays and wanted to get as much money as possible into victims' hands. That meant working quickly and limiting overhead costs.

"The judge was pushing everybody really, really hard," said Eric Hockman of Weiss Serota Helfman Cole & Bierman, who represents the town of Surfside. "He really did a tremendous job. This case belonged in front of him."

The judge, who in private practice was a class action litigator who represented victims in two of the largest Ponzi schemes in South Florida, was no stranger to complex litigation and knew how to streamline the case to get it to a quick resolution, attorneys said.

"That helps, because you can't buffalo someone like that," said Carl Tobias, a professor at the University of Richmond School of Law. "If the judge has done that kind of work, the judge will know if you're trying to pull a fast one."

Greer says it was partly Judge Hanzman's handling of the case that spurred him to come out of retirement and help mediate the dispute. Greer, who now spends his time as the president of the board of trustees at Fairchild Tropical Botanic Garden in Coral Gables, was initially tapped to oversee the negotiations between the economic loss plaintiffs and wrongful death plaintiffs over how any proceeds from the litigation would be allocated.

Those negotiations got off to a **rocky start**. Greer said he even held one of the mediation sessions at the garden in hopes the site would have a calming effect on the parties. But eventually the talks led to an **\$83 million deal** that provided some compensation for unit owners who survived and allowed them to exit the litigation.

Once that was done, Greer stayed on to tackle the plaintiffs' claims against dozens of other parties, from the town of Surfside — which was never named as a defendant — to every company associated with the construction of Eighty Seven Park, a luxury tower next door to Champlain Towers South completed in 2019.

The plaintiffs claim construction on the new tower destabilized their own building and contributed to the collapse, although the Eighty Seven Park parties deny this and point to the inherent structural problems and years of deferred maintenance at Champlain Towers South. Investigations into the collapse are ongoing, and exactly what caused it is still unclear, complicating negotiations further.

"The reason it took so many hours is there were so many possible defendants and so many possible theories," Greer said. "It's like a Rubik's Cube."

Tropin said Greer was "relentless," working long days for months.

"I was just trying to go, go, go, be methodical, and get back to Fairchild Gardens," Greer said. As for the plaintiffs' attorney team, although there were at least 15 law firms and dozens of lawyers involved, they functioned as a single firm for purposes of this litigation, according to Brad Sohn of Brad Sohn

Law, one of the lead attorneys for the economic loss plaintiffs. Sohn, who has worked on other large consolidated cases before, said the work was divided effectively and the attorneys all worked together cohesively.

"That's rare and special," Sohn said. "I've been part of other cases where we've been reasonably successful in the end result, but it was a bit more bumpy along the way."

Insurers for the targets of the lawsuit largely opted to simply settle rather than deal with the uncertainty of extended litigation in such a high-profile case with sympathetic victims.

"This is one of those cases where the last thing in the world you want to happen is to have a jury decide that your client is at fault for this terrible tragedy," said Hockman, the attorney representing the town of Surfside. "It's far better to buy your peace and deny liability than have a jury say you caused this. For a lot of insurers, keeping their clients' exposure down within policy limits is a good, strategic choice."

Once the settlements are approved, the parties' investigations into the cause of the collapse will cease, although Hockman said Surfside will continue its contract with structural engineer and collapse expert Allyn Kilsheimer. The National Institute of Standards and Technology is also investigating the cause of the collapse.

But well before the cause is determined, victims should have checks in hands. Each of the attorneys who spoke to Law360 said it won't be enough to fully compensate the families who lost their loved ones and their homes, but it should at least provide some relief.

"This is just one of those moments where you're very proud of what lawyers can do," Hockman said. "Everybody deserves a ton of credit for what happened."

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 and Emily Kokoll.