

## A Swift \$1 Billion Settlement Shows 'It Can Be Done': Lead Counsel Discuss Surfside Condo Collapse Class Action

by Raychel Lean

It was an event too horrifying to imagine, even as the world watched footage of a 12-story condominium building becoming a pile of rubble in



Rachel Furst of Grossman Roth Yaffa Cohen.

the South Florida oceanfront town of Surfside. There were people in there, sleeping, watching TV, talking on the phone. But when Champlain Towers South partially collapsed on June 24, 2021, at 1:15 a.m., 98 of them died.

The subsequent lawsuits, consolidated into one giant piece of class action litigation in Miami-Dade Circuit Court, presented a complex task for those taking it on. And yet, they were able to reach a [\\$1 billion settlement](#) over the tragedy in less than a year—something that normally takes

about four to six years for a case of its magnitude.

Here's how lead counsel for the plaintiffs—Harley Tropin, founding partner of Kozyak Tropin & Throckmorton, and Rachel Furst, a partner at Grossman Roth Yaffa Cohen—approached the litigation.

### It's a Full-Time Job

For a class action case like this to go smoothly, at least for the lead counsel, it has to be their full-time job.

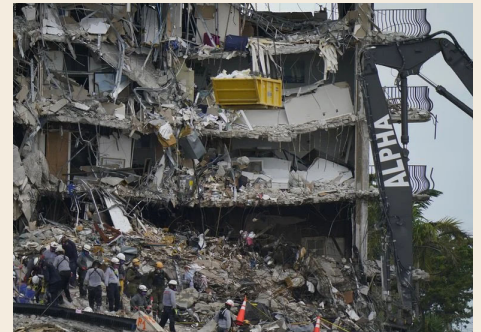
"Harley and I did not work on any new matters while this case was pending, and we couldn't have," Furst said. "It required our complete focus."

One of the responsibilities of that job was to constantly impress upon everyone—during weekly video calls and almost daily telephone calls with members of the steering committee—that a swift and efficient resolution was imperative.

Tropin said Furst, in particular, was good about "gently but forcefully reminding people about the need to get things done quickly."

### 'Row in the Same Direction'

The biggest challenges included resolving two very different forms of damages (property loss and wrongful death) and gathering the evidence to prosecute the case in an expedited time frame, required by



Search and rescue personnel work atop the rubble at the Champlain Towers South condo building. The 12-story tower came down with a thunderous roar and left a giant pile of rubble in one of the deadliest collapses in U.S. history. Photo: Lynne Sladky/AP.

Miami-Dade Circuit Judge Michael Hanzman's deadlines.

Furst said she learned how crucial it is to have a clearly-defined structure from the outset. Once the steering committee was selected, she and Tropin organized that into subcom-



Harley Tropin of Kozyak Tropin & Throckmorton.

mittees, then appointed chairs and co-chairs and immediately assigned them work and deadlines.

“It keeps people from performing duplicative work, overlapping work, and helps everyone row in the same direction efficiently,” Furst said.

Creating subclasses allowed Tropin and Furst to manage potential conflicts between the property owners and wrongful death classes, and they also moved to certify a liability-only class. Quickly establishing expert committees also helped, as they could begin interviewing and vetting experts to work on the case.

“I think this case just gave us a model that it can be done,” Furst said. “Things that can be drawn out over many months can be done quickly. It just takes focus and commitment of attorneys who have undivided attention to devote to a matter.”

### **The Judge Can Make a Big Difference**

From day one, Hanzman made it known that he wanted to expedite the litigation. And he meant it, as Tropin and Furst said he held 40 hearings in less than a year and honored deadlines. When weighing motions to dismiss, for example, Furst said the judge held attorneys to tight briefing deadlines, then ruled within a week or 10 days.

The most helpful thing Hanzman did, in Tropin’s opinion, was revealing which way he was leaning on big issues: “Then you could try and persuade him, then you weren’t left guessing about where he stood, or what he thought the issue was or where he might come out on it.”

“And finally, he ruled,” Tropin said. “I think that is one of the most important things a judge in a case like this can do, is just rule. Rule for me, rule against me, but just rule. Hanzman was very, very good about



**Miami-Dade Circuit Judge Michael Hanzman.**

hearing from both sides and then ruling, so that you could move on and just push litigation.”

If you aren’t blessed with an expeditious judge, Furst recommended requesting early mediation. In this case, Hanzman ordered the first wave of mediations to begin about four months in—much earlier than the typical couple of years.

### **It’s OK to Get Emotional**

This was an unusual case for Tropin, a commercial litigator who has decades of experience with fraud, Ponzi schemes and business disputes, but not personal injury or wrongful death.

In this case, Hanzman invited people who’d lost loved ones in the collapse to speak in court.

“This tragedy really was emotional, and it was something to hear the stories from some of these survivors, some of these victims, and I know I was not unique in this. We cried in the courtroom for the first time in my career,” Tropin said.

And that’s OK, according to Furst, who focuses on personal injury, wrongful death, professional malpractice and products liability.

“There’s no way to divorce the emotion from the work of the case,” Furst said. “It weighs on you every

day and it’s the driving force behind the work that we do.”

### **Select Diverse Leaders**

Class action attorneys should prioritize proposing diverse slates of leadership attorneys, according to Furst, who said Hanzman took a chance on her.

“I think I’m qualified and experienced, but I’ve never served as a lead counsel. I’m a younger woman and I’m not a repeat player,” Furst said. “And I did a good job and I worked hard, and I think Harley and I, our leadership style complemented one another’s, and we worked well together. Younger, diverse attorneys can be included in these teams and you should be looking for it, because I think the judges are looking for it and they want attorneys who represent the class.”

### **Consider the Legacy of the Case**

Though Tropin and Furst took lead roles, they said a resolution wouldn’t have been possible without the spirit of cooperation and collaboration that everyone shared. That includes the team of 17 firms on the steering committee; mediator Bruce Greer; receiver Michael Goldberg; Lea Bucciero of Podhurst Orseck, who was instrumental in discovery; and Philadelphia lawyer Jeffrey Goodman, who unearthed many of the experts.

“I think this case will stand as a testimony to what this judge has shown can be done,” Tropin said. “I think it was so important, not just because the victims will get awards sooner rather than later, but because they’ll get closure, of at least the litigation, sooner rather than later, so that they won’t have to relive this over and over again for four or five years as they have to go to court hearings and depositions, and so forth. That, I think, is the legacy of the case.”