

# \$997 Million to Settle the Surfside Condo Collapse Class Action

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## Key Takeaways:

- The Surfside Condo Collapse Class Action final settlement proposal is nearly \$1 billion.
- The litigation has evolved considerably to include both condo owners and the families of victims.
- Judge Michael Hanzman set a firm trial date for March 27, 2023, and refused to consider any continuance which likely also helped facilitate the settlement.

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Litigation arising from the June 2021 collapse of a condominium building in the Miami suburb of Surfside, Florida, has moved one step closer to final resolution with a \$997 million proposed settlement.<sup>[1]</sup> The collapse tragically killed ninety-eight people and displaced all residents of the Champlain Towers South condominiums in Surfside. Deteriorating concrete, poor drainage, and disruption due to construction on an adjacent building likely combined to cause the fatal collapse.<sup>[2]</sup> As a result, victims and their families brought claims against a number of defendants.

Within twenty-two hours of the collapse, a proposed class of all condo owners in Champlain Towers South filed the first complaint.<sup>[3]</sup> While that first lawsuit named only the condo association as a defendant, subsequent suits added the property manager, engineers, architects, inspectors, and the owner of the adjacent building.<sup>[4]</sup> Over forty cases were filed and then compiled into a single-class action proceeding.<sup>[5]</sup>

As the consolidated litigation evolved, the proposed class grew to include not only condo owners but also the families of victims.<sup>[6]</sup> This expansion led to two settlements: first, an approved \$83 million settlement to compensate for property loss, and, second, the current proposed \$997 million settlement to compensate for injuries and wrongful death.<sup>[7]</sup> The final figure in the latest proposed settlement is massive—surprising even the presiding Judge Michael Hanzman.<sup>[8]</sup> Many factors likely contributed to the defendants' willingness to settle at such a high number; including, the profusion of personal and property damage, the national attention paid to the collapse, the cost of discovery, and the relatively accelerated trial schedule.<sup>[9]</sup> Indeed, Judge Hanzman set this case for trial on March 27, 2023, and forcefully disabused any notion of a continuance.<sup>[10]</sup> Given the scope of the case, that trial date would be difficult to achieve.

Regardless of the precise reason for the resolution, this much is clear: Litigation over an extraordinarily tragic accident is now coming to an end with an equally extraordinary settlement.

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<sup>11</sup> Lynne Sladky, *A Nearly \$1 Billion Settlement is Reached in a Surfside Condo Collapse Lawsuit*, NPR (May 11, 2022), <https://www.npr.org/2022/05/11/1098429031/nearly-1-billion-settlement-surfside-condo-collapse-lawsuit>.

<sup>12</sup> Mike Baker, Anjali Signhvi & Patricia Mazzei, *Engineer Warned of 'Major Structural Damage' at Florida Condo Complex*, N.Y. Times (Sept. 21, 2021), <https://www.nytimes.com/2021/06/26/us/miami-building-collapse-investigation.html>; *Collapse's Cause Still Under Investigation, Major Surfside Lawsuit Delayed*, Florida Politics (Jan. 5, 2022), <https://floridapolitics.com/archives/483749-collapses-cause-still-under-investigation-major-surfside-lawsuit-delayed/>.

<sup>13</sup> Compl. at 1, ¶¶ 19, 31, *In re Champlain Towers S. Collapse Litig.*, 2021-015089-CA-01 (Fla. Cir. June 24, 2021).

<sup>14</sup> See, e.g., Compl. at ¶¶ 3–5, *Henriquez v. Champlain Towers S. Condo. Assoc. Inc.*, No. 2021-016701-CA-01 (Fla. Cir. Ct. July 6, 2021); Compl. at ¶¶ 6–19, *Benhayoun Champlain Towers S. Condo. Assoc. Inc.*, 2021-017562-CA-01 (Fla. Cir. July 20, 2021); Compl. at ¶ 13, Ex. 2, *Cole v. Goldberg*, 2021-021726-CA-01 (Fla. Cir. Sept. 22, 2021).

<sup>15</sup> Docket, *In re Champlain Towers S. Collapse Litig.*, 2021-015089-CA-01 (Fla. Cir. June 24, 2021).

<sup>16</sup> *Id.*; Sladky, *supra* note 1.

<sup>17</sup> Sladky, *supra* note 1.

<sup>18</sup> *Id.*

<sup>19</sup> See *Collapse's Cause Still Under Investigation*, *supra* note 2; see also Docket, *In re Champlain Towers S. Collapse Litig.*

<sup>100</sup> See *Collapse's Cause Still Under Investigation*, *supra* note 2; see also Docket, *In re Champlain Towers S. Collapse Litig.*

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