

IN THE CIRCUIT COURT OF THE 11th
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

MANUEL DREZNER, individually
and on behalf of all others similar
situated,

COMPLEX BUSINESS LITIGATION
Case No.: 2021-15089 CA 01 (43)

Plaintiff,

vs.

CHAMPLAIN TOWERS SOUTH
CONDOMINIUM ASSOCIATION,
INC.,

Defendant.

ORDER DENYING EMERGENCY MOTION FOR ENTRY UPON LAND

This cause came before the Court upon an “Emergency Motion for Entry Upon Land” (Docket Entry 31) filed Ms. Stacey Karron through her counsel, Paula J. Phillips. The Court conducted a hearing on July 4, 2021 at 9:30 p.m. and, after entertaining argument, denied the Motion. The Court now memorializes its oral ruling.

As this Court said during the hearing, it sympathetic to Ms. Karron’s plight and realizes that this tragedy has caused her (and many others) severe emotional pain and suffering. As a dog owner and animal lover, the Court recognizes that pets are considered by many to be “family.” Ms. Karron was commendably willing to risk her safety (and life) to rescue her left behind “family” member, and this Court

respects the risk she was willing to assume. The Court also acknowledges that taking this risk is a personal choice that Ms. Karron would, in many other circumstances, be free to make without governmental interference. But this tragic circumstance is different, as: (a) our state and local executive branches, after conducting a thorough search in order to locate/rescue pets, concluded that the remainder of the Champlain Tower South Building had to be demolished in order to protect the life and safety of others, including the heroic public servants involved in the rescue efforts; and (b) at the time Ms. Karron filed her motion the building was already embedded with explosive devices, thereby making any effort to rescue her pet extremely dangerous, not only for Ms. Karron but for countless others.

Under these circumstances, and as I explained at the hearing, the Court simply had no power to override or interfere with the executive branch demolition decision made by the Mayor, a thoughtful decision that was made only after extensive consultation with the trained professionals in charge of this coordinated and dangerous effort to save/protect lives. *See, e.g., Chiles v. Children A, B, C, D, E, & F*, 589 So. 2d 260, 264 (Fla. 1991) (explaining that Article II, Section 3 of the Florida Constitution provides that our state government shall be divided in three (3) separate branches and “no branch may encroach upon the powers of another”). And even if the Court had authority to step-in and enjoin the demolition, it would not do so under the present circumstances, thereby placing Ms. Karron and others at substantial risk.

The Court sympathizes with all victims of this horrendous tragedy and knows that they are suffering extreme and irremedial distress. But the Court is constitutionally charged with faithfully applying the law, and though it wishes it could have assisted Mr. Karron, it had no power to grant the relief she passionately sought. As a result, her Motion is **DENIED**.¹

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this 6th day of July, 2021.

Michael A. Hanzman
Circuit Court Judge

MICHAEL A. HANZMAN
Circuit Court Judge

¹ After preparing this Order it has come to the Court's attention, through media reports, that Ms. Karron *may* not have been a resident at Champlain Towers or the owner of the pet at issue. The Motion represented that the pet is a "rescue and emotional support animal," and the Court reasonably assumed that the Motion was being brought by its owner, as nothing in the Motion suggested otherwise. Nor was the Court told, at the hearing, that Ms. Karron was not the pet owner. *If* it is true that Ms. Karron is merely a volunteer animal advocate, and *not* the owner of the pet, this Court is extremely disappointed that this material fact was not made clear by counsel, either in the Motion *or* at the hearing. But the Court will, for now, give counsel the benefit of the doubt.

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