



Attorneys Christopher Utrera, left, and Kara Olesky, right, of Haber Law in Miami.

Miami Attorneys Get Creative to Find Swift \$6.3 Million Resolution in Construction Defect Suit

“Just be aware of the big picture. You don’t need to have a scorched earth mentality or approach in order to get the best result for your client,” said Christopher Utrera of Haber Law.

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Real Estate Reporter

Despite the COVID-19 pandemic and the delays it caused for the court system, attorneys at Haber Law in Miami were able to find a resolution for their client faster than usual.

Christopher M. Utrera, Kara Olesky and David Haber represented the Chateau Beach Condominium Association in a construction defect lawsuit that resulted in a \$6.3 million settlement being paid to the association.

Utrera said the case was unique because of its efficiency, despite having over 25 defendants.

“I still have clients waiting for their day in court due to the backlog of jury trials,” said Utrera. “In sum, it was the efficiency of this case without the ability to threaten a jury trial against all of the defendants and their insurance carriers.”

Chateau Beach Residences is a high-rise, 81-unit, luxury condominium at 17475 Collins Ave. in Sunny Isles Beach. The lawsuit said several defects were found after the developer, Chateau Beach LLC, registered in Hallandale Beach, turned over responsibility to the association to manage and operate the condominium.

Alleged defects included a glass and glazing system with water intrusion through windows and sliding glass doors, cracked stucco, and issues with a post-tension cable system, a mechanical system and incomplete waterproofing in common areas.

From start to finish, the case was resolved in under two years. Although it can usually cost millions for parties in a construction defect case, the association secured \$5.75 million before any deposition was taken, and the rest of the money was received after very little litigation.

Some property repairs were completed by the defendants during the pre-suit Chapter 558 process. Chapter 558 requires property owners to give contractors and other relevant parties prior written notice of construction defects and the opportunity to fix the problem before suing.

‘Be Aware of the Bigger Picture’

Having a sound strategy and being mindful of opportunities were the keys to the swift resolution of the case, according to Utrera.

“Just be aware of the big picture. You don’t need to have a scorched earth mentality or approach in order to get the best result for your client,” said Utrera.

With insurance companies typically taking a while to resolve cases during the pandemic, Utrera said the team had to be creative in their strategy to resolve the case as efficiently and cost-effectively as possible. Both Utrera and Olesky had experience with insurance defense before joining the Haber law team and understood how to approach the problem.

“That gave us a unique perspective here, and so when the opportunity arose, we knew several folks from the other side and several of the decision makers,” said Utrera. “We reached out and started the conversation.”

To avoid millions in attorney fees with the defendants, the team started settlement negotiations with insurance carriers behind the scenes immediately. Using networks and making the experience a team effort were strategies Utrera said she’ll continue to use in future cases.

“I appreciated it much more in this case because I was able to focus my attention on resolving, while Kara was able to focus on the day-to-day management of the case,” said Utrera.

Anthony Wong of Wood Smith Henning & Berman in Miami and Stephen Koch of Winget, Spadafora & Schwartzberg in Miami represented Cheatau Beach LLC. They did not immediately respond to a request for comment.

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