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Legal Teams Intensify In Surf Club Malpractice Suit

By Steve Plunkett



9011 Collins Ave.

Photo by J. Albert Diaz

Subtract two Miami-Dade circuit judges and add a slew of defense lawyers to the Surf Club's legal malpractice lawsuit.

Kenny Nachwalter partners Richard Critchlow and Deborah Corbishley are representing defendant Charles Kline, the club's former general counsel, and his firm, [White & Case](#).

Richman Greer shareholders Alan Greer and Eric Sodhi and associate Georgia Buckhalter have [GrayRobinson](#) and its managing partner, Steven Zerkowitz, as clients.

Kozyak Tropin & Throckmorton shareholders Harley Tropin and Tucker Ronzetti are the lawyers for Stanley Price, who helped work with Kline and Zerkowitz on a historic designation for the club, and his firm, Bilzin Sumberg Baena Price & Axelrod.

White & Case moved to transfer the case from Judge Darrin Gayles to Judge John Thornton, who hears complex business litigation. The plaintiffs team led by Robert Zarco of Zarco Einhorn Salkowski & Brito objected, saying the defendants wanted the complaint "needlessly micromanaged and delayed."

"I thought that Judge Gayles, as any other judge, would enjoy a case of this type with great lawyers on both sides," Zarco said in an email to the Daily Business Review.

Thornton recused himself, and Judge Jennifer Bailey, administrative chief of the civil division, put herself on the case rather than send it back for blind reassignment.

In December, the oceanfront club in Surfside sold a \$116 million ownership stake to a Turkish conglomerate with plans for a luxury condominium-hotel complex. The club's equity members claim they're out at least \$50 million after following bad advice from Kline, Price and Zelkowitz on how to reduce the club's property taxes.

Zarco, a member of the club and its general counsel, filed the malpractice suit the same day the Turkish deal closed. Firm partner Robert Salkowski and associates Andre Dreyfuss and Jennifer Ragatz round out his team.

The club's 122 active members are each receiving \$700,000 and lifetime memberships from the sale. They filed an action against about 30 inactive members to extinguish their memberships.

The private social club, which opened at 9011 Collins Ave. in 1930, boasts on its website of hosting "world-famous personalities such as the duke and duchess of Windsor, Douglas Fairbanks Jr. and General Douglas MacArthur. ... Other early guests include Winston Churchill, who painted seascapes from his Surf Club cabana."

Turkish conglomerate Koc Group, through Miami affiliate SC Property Acquisition LLC, plans to temporarily close the club and build three 12-story buildings on the beach side of the street and two four-story buildings on the west side. In addition to the 285 condo-hotel units, the project includes a four-star hotel and spa, 661 parking spaces and a gourmet food store.