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MIAMI-DADE PUBLIC SCHOOL BOARD DEFEATS \$7 MILLION CONSTRUCTION CLAIM

Tew Cardenas Attorneys Successfully Defend School Board

MIAMI (January 26, 2009) – [Joseph De Maria](#), partner at **Tew Cardenas LLP**

(www.tewlaw.com), announced today that Miami-Dade Circuit Judge Mary Barzee Flores has entered a final judgment in favor of Miami-Dade Public Schools in Jessla Construction Corp. v Miami-Dade County School Board, defeating a \$7 million construction claim.

The case, which had been litigated for seven years, arose out of the School Board's termination of Jessla from a construction contract for the renovation and reconstruction of Hialeah Elementary School. Jessla sued the School Board for breach of contract, claiming that the company was improperly terminated from the project. Jessla claimed damages from the wrongful termination, including lost profits on this and other projects, including the Grove Harbour Marina project in Coconut Grove.

“This decision, upholding the School Board's management of the project, is an important guidepost for contractors seeking to do business with the School Board. Contractors must adhere to the contract and claims for additional monies not justified will not be paid,” said DeMaria, lead counsel for the Miami-Dade School Board. “This is a timely ruling for the School Board given the anticipated increase in new school construction and renovation projects that may be on the horizon as a result of the stimulus package.”

The final judgment was entered following a lengthy trial last summer. Judge Barzee rejected all of the Jessla's claims and upheld the School Board's decision to terminate the contractor. The Court found that Jessla failed to comply with the claims procedures in the contract, which in turn barred its claim. The Court, additionally, found that the School Board had the right to terminate

the contractor for its failure to adhere to the contract schedule, failure to provide sufficient manpower on the project, failure to pay its subcontractors and failure to submit proper schedules.

This judgment marks Miami-Dade Circuit Court's third decision in the past ten years to uphold construction contracts used by the School Board during the construction of \$500 million in schools. This decision upholding specific provisions of the School Board construction contract is the most comprehensive yet. Jessla was represented by Charles Papy of the Miami office of Duane Morris.

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Tew Cardenas LLP is a full service law firm with offices in Miami, Tallahassee and Washington, D.C. The firm represents, advises, and advocates for a wide array of clients, including domestic and international companies, federal, state and local governments, as well as foreign governments and individuals. The Tew Cardenas team possesses vast experience across industries including aviation, communications, construction, energy, financial services, food & beverage, hospitality, real estate development, retail and pharmaceutical. For more information, please visit www.tewlaw.com.