

Office of School Board Attorney  
Walter J. Harvey, Board Attorney

**SUBJECT: DEMAND FOR JUDGMENT**  
**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. HADP ARCHITECTURE, INC., f/k/a HARPER PARTNERS, INC., CASE NO. 06-16583 CA 22 (ASSOCIATED WITH NEW ELEMENTARY SCHOOL #17 (STATE SCHOOL D-1) DR. CARLOS D. FINLAY ELEMENTARY SCHOOL)**

On August 18, 2006, the School Board filed the above-referenced lawsuit against HADP Architecture, Inc. ("HADP"), alleging breach of contract, among other things, by HADP pursuant to an agreement entered into between the School Board and HADP on October 11, 1995. In that agreement, HADP agreed to provide professional architectural and engineering services at Dr. Carlos Finlay J. Elementary School, a new elementary school. The School Board alleges that HADP failed to properly perform its contractual obligations under the agreement by exceeding the contractual threshold for additional construction costs incurred by the School Board due to architectural and engineering errors and omissions on the project. The School Board seeks to recover over \$400,000 in damages from HADP in the present lawsuit.

This item recommends that the Board authorize the School Board Attorney, pursuant to the Florida Rules of Civil Procedure, to make a demand for judgment in an amount not to exceed two-hundred fifty thousand (\$250,000) in the case of *The School Board of Miami-Dade County, Florida v. HADP Architecture, Inc. f/k/a Harper Partners, Inc.*, Case No. 06-16583 CA 22. This demand for judgment would be served by the outside counsel retained to represent the Board in this case.

This demand for judgment is recommended as being in the best interest of the Board given the consideration of the information which has been developed through this litigation. The School Board Attorney's office and administrative staff agree with this recommendation.

This item does not appear in the regular agenda. There is good cause to vary from the published agenda because of issues relating to costs, attorney's fees, and pending deadlines with the Court.

**RECOMMENDED:** Authorize the School Board Attorney to make a demand for judgment in an amount not to exceed two-hundred fifty thousand dollars (\$250,000) in the case of *The School Board of Miami-Dade County, Florida v. HADP Architecture, Inc. f/k/a Harper Partners, Inc.*, Case No. 06-16583 CA 22.

**GOOD CAUSE**  
**G-6**