

Carlton Fields

Memorandum

To: City of Madeira Beach, Board of Commissioners

From: W. Cary Wright, Esq. and Brett M. Henson, Esq., Carlton Fields

Date: May 9, 2025

Re: Mediated Settlement Agreement Recommendation (Pinellas County, Florida, Case No. 23-007114-CI)

Dear Mayor, Vice-Mayor and Commissioners,

Carlton Fields represents the City of Madeira Beach in the matter of *The City of Madeira Beach*, Plaintiff v. *Wannemacher Jensen Architects, Inc.*, Defendant and *Hennessy Construction Services Corp.*, Defendant/Third-Party Plaintiff, v. *Wells Land Development*, Third-Party Defendant and *Crowther Roofing & Sheet Metal of Florida, Inc.* ("Crowther"), Third-Party Defendant, In the Circuit Court of the Sixth Judicial Circuit, In and For Pinellas County, Florida, Case No. 23-007114-CI (hereinafter, the "Litigation") arising out of a dispute pertaining to defects and deficiencies in the design and construction of the Fire Station Building and the Recreation Center Building (hereinafter, the "Dispute") located at 250 Municipal Drive, Madeira Beach, Florida 33708 and 200 Rex Place, Madeira Beach, FL 33708 (the "Property").

The parties to the litigation participated in mediation on February 4, 2025, and have reached a tentative settlement agreement, subject to the approval by the Board of Commissioners ("BOC"). The salient settlement terms are as follows:

- A confidential settlement payment by Defendants and Third-Party Defendants to the City of Madeira Beach;
- Roof Repair Work to the fire station roof,

Based on the foregoing, our office requests that the City of Madeira Beach BOC: (i) approve the Mediated Settlement Agreement; and (ii) authorize the City of Madeira Beach Mayor to execute the Mediated Settlement Agreement.

Thank you for your consideration and please let us know if we can answer any questions or provide further information regarding this matter.