

## TALK *of the* TOWN



### Supermarket Chain Wins Construction Contract Lawsuit

March 7, 2025

MIAMI, FL—Attorney **Javier J. Rodriguez** of **Agentis PLLC** won a major victory for Sedano's Supermarkets in a bitter years-long construction lawsuit, with Judge Mavel Ruiz ruling on February 28, 2025, that Sedano's did not owe nearly \$700,000 in claims by the general contractor.

Sedano's hired Burke Construction Group, Inc. to build-out its Hialeah store in 2018 for a contract price of \$2.6 million. The project ended in disagreements over the amounts owed under the contract and responsibility for 263 days of delays.

Burke filed suit in 2020 claiming \$770,709 in damages for unpaid change orders and additional compensation for delays allegedly caused by Sedano's.

Rodriguez countered that the change orders were invalid because they were not signed by Sedano's as required by the contract. Sedano's also argued that the change orders were properly rejected because the work was included in the original scope for the project, or the work was insufficiently documented, was self-performed by Sedano's, was deficient or included in prior change orders which had been approved and paid.

Sedano's also sought \$130,500 in liquidated damages as a setoff to the amounts due Burke under the contract for construction delays. "Judge Ruiz properly ruled that the construction contract was unambiguous, would be enforced as written, and that Sedano's was due \$1,500 per day for each day of delay caused by Burke," Rodriguez said. "The judge found that the evidence presented by Sedano's, and the testimony of its witnesses had the greater credibility. We are gratified by the result. As I told Judge Ruiz throughout the case, Sedano's wanted to pay what was owed under the contract, not a penny less, and not a penny more. Ultimately, she agreed with our calculations. We believe she decided the case correctly."

Sedano's made a proposal for settlement in September 2021 for \$250,000 which was rejected by Burke. The ultimate award to Burke was \$88,383. Sedano's intends to pursue a claim to recover its attorneys' fees and costs.

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