

M E M O R A N D U M

TO: Governing Board Members

FROM: Maricruz R. Fincher, Office of Counsel

DATE: October 8, 2026

SUBJECT: Construction Litigation

Agenda Item Background:

The District is currently litigating two complex construction cases. In one case (C-43 Reservoir), the District terminated the contractor and has sued to recover completion costs; the contractor has counterclaimed for breach of contract. In the other (STA-1W Expansion 2 STA Project), the contractor has sued the District for denying claims for more money; the District has counterclaims for delay damages and other issues. In both cases, the District hired Kirwin Norris P.A., a law firm focusing on construction litigation to serve as lead counsel in one case and co-counsel in the other.

The parties submitted written closing argument in the C-43 Reservoir case, with oral closing arguments scheduled for October 14-15, 2026. The STA-1W Expansion 2 STA Project case is still in the discovery stage.

The Office of Counsel requests to amend the District's contract with Kirwin Norris, P.A., for the C-43 Reservoir case to increase funds by \$600,000 and to amend the District contract with Kirwin Norris, P.A., for the STA-1W Expansion 2 STA Project case to increase funds by \$250,000.

Additional Item Background:

Core Mission and Strategic Priorities:

The projects support the District's missions of ecosystem restoration, water supply and flood control.

Funding Source:

The C-43 Reservoir is funded through dedicated funds (State Appropriations) and the STA-1W Expansion 2 STA Project is funded through Ad Valorem funds.

Staff Contact and/or Presenter:

Maricruz R. Fincher, mfincher@sfwmd.gov, 561-682-6457

ATTACHMENTS:

[Resolution No. 2026-1005](#)