

**George D. Ruttinger**

Partner
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Practice Areas

- Government Contracts
- Antitrust
- Litigation
- Construction
- Trial Practice
- International Dispute Resolution
- International Arbitration
- International Litigation

George D. Ruttinger is a partner in the Government Contracts Group. Described by *Washingtonian Magazine* as "one of the city's top contracts lawyers [with] a track record of obtaining summary judgments in some of the most heralded defense industry-related lawsuits," he has represented government contracts clients in state and federal courts, arbitration proceedings, minitrials, mediations, and boards of contract appeals.

Mr. Ruttinger is a versatile litigator and trial lawyer who has successfully represented clients in complex antitrust litigation, mass torts cases, and international arbitration.

Mr. Ruttinger graduated with high honors from the University of Michigan Law School, where he was Managing Editor of the Michigan Law Review and was elected to the Order of the Coif. He received his undergraduate degree with high distinction from the University of Michigan and was elected to Phi Beta Kappa. He served as a law clerk to The Honorable Malcolm R. Wilkey of the United States Court of Appeals for the District of Columbia Circuit.

Mr. Ruttinger is a member of the California and District of Columbia bars as well as the bars of seven federal courts of appeals, five federal trial courts, and the U.S. Supreme Court.

Mr. Ruttinger's *pro bono* work includes serving as General Counsel of the Equal Rights Center, the leading civil rights enforcement agency in DC, and as Co-Chair of the Washington Lawyers' Committee for Civil Rights and Urban Affairs. In 2011, the Lawyers' Committee presented Mr. Ruttinger with the Wiley A. Branton Award in recognition of his "commitment to civil rights leadership and service" and the *National Law Journal* named him as a "Champion" who has "upheld the profession's core values through public service, *pro bono* efforts and advocacy for civil liberties."

Mr. Ruttinger has lectured and written on a variety of issues, including government contract claims and disputes, teaming agreements, and alternative disputes resolution.

Published Decisions

- Obtained summary judgment dismissing all claims against major equipment manufacturer in over 1,000 actions in a federal Multi-District Litigation proceeding in which plaintiffs claimed that client conspired to conceal the alleged health hazards of manganese in welding fumes. (In re Welding Fumes Prod. Liab. Litig., MDL No. 1535 (N.D. OH), 2007 WL 3226951, Memorandum and Order, October 30, 2007);
- Defended public owner in action by contractors challenging default termination of two subway contracts and asserting over \$40 million in construction claims. After a 45-day trial, a favorable trial court decision, an appellate remand, and a re-trial, the court upheld client's decision to terminate the contracts, awarded client - the defendant - \$40 million on its counterclaim for extra costs of completion after the termination. (Mergentime Corp. v. WMATA, No. 89-1055, 2006 WL 416177 (D.D.C. Feb. 22, 2006), on remand from 166 F.3d 1257 (D.C. Cir. 1999));
- Defended aircraft engine contractor in litigation of nine-figure government claim based upon alleged misallocation of overhead expenses to government contracts, rather than to material supplied under international strategic alliances for the manufacture of commercial jet engines. (United Techs. Corp., Pratt & Whitney, ASBCA Nos. 47416, et al., 2001-2 BCA ¶ 31,592 (2001), remanded, Rumsfeld v. UTC, 315 F.3d 1361 (Fed. Cir. 2003));
- Represented contractor in successful defense against bid protest challenging award of ship repair contract. (Marine Hydraulics Int'l, Inc. v. U.S., 43 Fed. Cl. 664 (1999));
- Managed multi-forum antitrust class action litigation against pharmaceutical manufacturer, with results including dismissal of treble damages claims in federal class actions and decision denying motion to certify nationwide consumer class. (In re Warfarin Sodium Antitrust Litig., 212 F.R.D. 231 (D. Del. 2002)); successfully argued for affirmance of class settlement (In re Warfarin Sodium Antitrust Litig., 391 F.3d 516 (3d Cir. 2004));
- Defended bid protest by competitor against award of contract for upgrading high-speed printing system at the IRS. (Control Data Sys., Inc., GSBICA No. 12876-P, 94-3 BCA ¶ 27,167 (1994));
- In federal court bid protest litigation, obtained permanent injunction against a 10-year, billion dollar postal service contract for express mail service. (Express One Int'l, Inc. v. U.S.P.S., 814 F. Supp. 93 (D.D.C. 1992));
- Successfully defended prime contractor against \$3.2 million subcontractor claim for excess costs of disposing of low-level

radioactive wastes, and obtained complete recovery on prime contractor's counterclaim. (*Nuclear Metals Inc. v. Honeywell, Inc.* (D. Mass. 1987), *aff'd*, 852 F.2d 564 (1st Cir. 1988));

- Represented aerospace contractor in challenging disallowance of IR&D/B&P costs on contracts for jet fighter engines sold to European allies. (*United Techs. Corp.*, ASBCA Nos. 25,540, 25,541, 85-3 BCA ¶18,399 (1985), *aff'd*, *UTC v. U.S.*, 830 F.2d 1121 (Fed. Cir. 1987));
- Defended public owner in federal court jury trial of claims by construction contractor, resulting in a jury verdict awarding the contractor \$100,000 (out of \$4.2 million claimed) and allowing owner to retain \$400,000 in liquidated damages. (*Brinderson Corp. v. Hampton Roads Sanitation Dist.*, No. 84-1306-A (E.D. Va. 1985), *aff'd in part and remanded in part*, 825 F.2d 41 (4th Cir. 1987));
- Obtained summary judgment dismissing Constitutional and common law tort claims against the international construction consortium that built the King Khalid Military City. (*Stevens v. Morrison-Knudsen Saudi Arabia Consortium*, 576 F. Supp. 516 (D. Md. 1983), *aff'd*, 755 F.2d 375 (4th Cir. 1985)).

Engagements

- Represented American manufacturer of products for nuclear industry in arbitration convened by the International Chamber of Commerce in London to resolve disputes with an Australian firm relating to its sale to client of intellectual property under an asset purchase agreement and alleged breach of its covenant not to compete (2011).
- Represented small, woman-owned business in classified appeal of termination for default decision, resulting in converting the termination to one for convenience of the government and in payment to the contractor of substantial performance and termination costs (2010);
- Represented airport authority in defending action to enjoin leasing of restaurant space at Reagan National Airport based on alleged violations of statutory requirements for competition; defeated motion for preliminary injunction, resulting in plaintiff's dismissal of action five days before start of new restaurant lease. (*Legal Sea Foods v. Metropolitan Washington Airport Authority*, Case No. 1:09cv711 AJT (2009));
- Represented Chinese firm in arbitration hearing convened by Stockholm Chamber of Commerce in which a European company asserted claims against our client under a technology licensing agreement (2008)
- Represented owner in arbitration of claims relating to construction of merchant power plant in desert Southwest, including owner's claims for lost net revenues resulting from delayed completion (2006);
- Obtained dismissal of *qui tam* False Claims Act action for failure to prosecute after disqualifying relator's counsel for reviewing client's

- improperly obtained privileged documents. (Peoples ex rel. U.S. v. Eagle-Picher Indus., Inc. (W.D. Mo. 2003));
- Represented major transportation corporation in international arbitration with Dutch port operator regarding alleged breach of a long-term contract for use of a deepsea container handling terminal in Rotterdam. (Europe Container Terminus B.V. v. Sea-Land Serv., Inc., NAI Arbitration No. 2541);
 - Prepared amicus brief on behalf of NDIA in appeal of jury verdict awarding lost profits and punitive damages based on alleged breach of oral agreement to team on bid for B-1B subcontract (Cable & Computer Tech., Inc. v. Lockheed Sanders, Inc., et al., No. 01-56722 (9th Cir.)).
 - Obtained dismissal of FCA suit brought against client's former subsidiary (US ex. rel Bumgardner v. Datatape, Inc., No. 99-682-A (E.D. Va. 1999));
 - Represented aerospace company in suit to enjoin competitor's use of misappropriated trade secrets, resulting in permanent injunction and award of attorneys' fees. (Raytheon Co. v. GTE Gov't Sys. Corp., No. 96-5983 A (Super. Ct., Mass. 1997));
 - Defended manufacturer of medical supplies against price fixing conspiracy suits in federal and state courts (In re Medical X-Ray Antitrust Litig., No. 93-5904 (E.D.N.Y. 1997));
 - In federal court subcontracting dispute, represented prime contractor in defending against \$300 million contract claim arising out of termination of subcontract for testing of F-18 avionics; settled claims for zero dollars after 7 weeks of jury trial. (AAI Corp. v. Harris Corp., No. 85-3021 (D. Md. 1989));
 - Represented construction contractor in ADR proceeding to resolve \$55 million differing site conditions claim arising out of construction of the Tennessee-Tombigbee Waterway for the Corps of Engineers. (Tenn Tom Constructors (ENGBCA 1986)).

Education

- University of Michigan Law School, The Order of the Coif
- University of Michigan, Phi Beta Kappa

Affiliations

Admitted to practice: District of Columbia, California, U.S. Supreme Court

Memberships

United States Courts of Appeals for the District of Columbia, First, Second, Third, Fourth, Sixth, Ninth and Federal Circuits
United States District Courts for the Districts of Central California, Northern California, District of Columbia, Maryland and Eastern Michigan
United States Court of Federal Claims

Publications

- "Government Contracts," Chapter 50A of *Successful Partnering Between Inside and Outside Counsel*, published by Thompson-West (2011). Co-Authors: George D. Ruttinger, Michael J. Denton and J. Catherine Kunz.
- "Domestic Arbitration," Chapter 8 of *Litigation Management*, published by American Lawyer Media's Law Journal Press (2010). Co-Authors: George D. Ruttinger, Joseph L. Meadows and Luke van Houwelingen.
- "Using Experts in Arbitration," Chapter 20: American Arbitration Association *Handbook on Arbitration Practice* (2010). Co-Authors: George D. Ruttinger and Joseph L. Meadows.
- "Transparency and Accountability under the 2009 Stimulus Act," *Executive Counsel* (July/August 2009). Author: George D. Ruttinger.
- "Using Experts in Arbitration," American Arbitration Association's *Dispute Resolution Journal*, Vol. 62, No. 1 (February 2007/April 2007). Co-Authors: George D. Ruttinger and Joseph L. Meadows.
- "Big Risks, Big Rewards in Government Contracts: Dancing With the World's Biggest Customer," *Executive Counsel* (July/August 2005). Author: George D. Ruttinger.
- "Administrative Dispute Resolution Act: A Shot in the Arm for ADR," *Public Contractor Newsletter* (Winter 1991). Author: George D. Ruttinger.
- "The \$45 Million Mini-Trial at the Army Corps of Engineers," chapter *Containing Legal Costs: Adr Strategies For Corporations, Law Firms And Government*, E. Fine and E. Plapinger, eds. (1988). Author: George D. Ruttinger.
- "Acquiring the Services of Neutrals for Alternative Means of Dispute Resolution and Negotiated Rulemaking," chapter in Administrative Conference of the United States, *SOURCEBOOK: Federal Agency Use of Alternative Means of Dispute Resolution* (1987). Author: George D. Ruttinger.

- "The Differing Site Conditions Clause: What Are Contract Indications?," *20 Nat'l Cont. Mgmt. J.* 67 (1986). Author: George D. Ruttinger.
- "The Applicability of the Constitution to Employer-Employee Relations of Government Contractors," *15 Public Contract Law Journal* 309 (1985). Author: George D. Ruttinger

Alerts & Newsletters

- "New Push Toward Project Labor Agreements For Federal Construction Work," *Government Contracts Bullet Points* (April 20, 2010). Contacts: George D. Ruttinger, Rebecca L. Springer, Peter Eyre.
- "Crowell & Moring Cops #1 Ranking ," *Government Contracts Bullet Points* (July 31, 2009). Contacts: George D. Ruttinger, James J. Regan.
- "Crowell & Moring Once Again Rated Leading Government Contracts Firm," *Government Contracts Bullet Points* (June 26, 2008). Contact: George D. Ruttinger.
- "Crowell & Moring Rated Leading Government Contracts Firm," *Government Contracts Bullet Points* (July 27, 2006). Contacts: George D. Ruttinger, David C. Hammond.
- "Order Of Precedence Clause Gets Boost," *Government Contracts Bullet Points* (June 6, 2006). Contacts: Frederick (Rick) W. Claybrook Jr., George D. Ruttinger.
- "ASBCA Applies Affirmative Misconduct Standard In Denying Contractor's Estoppel Defense," *Government Contracts Bullet Points* (May 23, 2006). Contacts: Kent R. Morrison, George D. Ruttinger, Linda S. Bruggeman.
- "Subway Wins Latest Round Of 15-Year Construction Litigation Saga," *Government Contracts Bullet Points* (December 15, 2005). Contacts: W. Stanfield Johnson, George D. Ruttinger.
- "Crowell & Moring Rated Leading Government Contracts Firm," *Government Contracts Bullet Points* (June 20, 2005). Contact: George D. Ruttinger.
- "COFC Denies Protest But Notes Possible Procurement Integrity And Antitrust Violations," *Government Contracts Bullet Points* (June 9, 2004). Contacts: George D. Ruttinger, Shauna E. Alonge.
- "NRO Prohibits Exclusive Teaming Agreements," *Government Contracts Bullet Points* (June 9, 2004). Contact: George D. Ruttinger.

Speaking Engagements

- "Emerging Issues on the Construction Industry," Caught in the Federal Procurement Fish Bowl, 26th Annual Ounce of Prevention Seminar (OOPS), Crowell & Moring, Washington, D.C. (May 26-27, 2010). Presenters: George D. Ruttinger and Christopher W. Cheatham.

- "Legal Considerations When Building Green," Construction Industry Round Table (April 2010). Co-Presenters: George Ruttinger, Stephen McBrady, Chris Cheatham.
- "Stimulus Act Oversight and Fraud, Waste and Abuse," An Introduction to the American Recovery and Reinvestment Act of 2009: Implications for Construction Contractors, Crowell & Moring Webinar (May 26, 2009). Presenter: George D. Ruttinger.
- "Innovative Teaming for Today's Environment: Teaming Challenges and Solutions," ABA Section of Public Contract Law (August 12, 2002). Presenter: George D. Ruttinger.
- "Developments in ADR: What's New and What's Not," BCA Judge's Annual Seminar (April 8, 1997). Speaker: George D. Ruttinger.
- "Claims & Disputes," The George Washington University Law School (October 24, 1996). Speaker: George D. Ruttinger.
- "Alternative Dispute Resolution," Federal Publications Course (February 22-23, 1996). Speaker: George D. Ruttinger.