

## CLIENT ALERT

### No Warranty Without Express Language

Feb.24.2010

Addressing the issue of warranties again within a week and once again reversing the Court of Federal Claims, the Federal Circuit in *Precision Pine & Timber, Inc. v. U.S.* (Feb. 19, 2010) found no warranty implicit in a contractual clause that allowed the Forest Service to suspend performance due to Endangered Species Act concerns. With respect to the one contract that lacked a suspension of work clause, however, the Forest Service breached because it lacked contractual authority to do so, even though it stopped performance in response to a district court injunction.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.