

CLIENT ALERT

Court Explores New Frontier On The OCI Front

October 17, 2007

In *Axiom Resources Mgmt., Inc. v. U.S.* (Sept. 28, 2007), the Court of Federal Claims held that an alleged unequal access to information organizational conflict of interest had not been adequately mitigated because, inter alia, the mitigation plan was not enforceable, as by court order. Also, before determining whether to issue an injunction, the court requested an amicus brief from the Federal Trade Commission Bureau of Competition on several issues, including whether the awardee should be required to divest several contracts, and whether non-disclosure agreements, perhaps similar to those typically involved in establishing appropriate firewalls, unduly restrict future competition.

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

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