

CLIENT ALERT

NAFI Contractor Wins over \$100 Million In Wunderlich Act Review of ASBCA Decision

November 16, 2012

In *SUFI Network Servs., Inc. v. U.S.* (Nov. 8, 2012), the Court of Federal Claims granted SUFI, represented by C&M, a judgment of over \$100 million pursuant to a rare Wunderlich Act review of the ASBCA's damages determinations on several breach of contract claims brought in the aftermath of a telephone services contract with the Air Force's Non-Appropriated Fund Purchasing Office. Central to the court's decision to increase SUFI's recovery was its finding that the board had misapplied the burden of proof with respect to damages, seemingly ruling "in every possible way to cut back SUFI's damages" on claims for which liability was established while ignoring the willfulness of the Air Force's breaches and the clear fact of damage to SUFI on this "totally botched program of grand proportions."

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

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