

## **CLIENT ALERT**

### **"National Security" Limits Judicial Review Of CICA Stay Override**

**Feb.23.2005**

In *Kropp Holdings, Inc. v. U.S.* (Jan. 27, 2005), Judge Braden of the Court of Federal Claims held that, once legitimate interests of “national security” have been asserted and established to the court’s satisfaction, the court could stop review of a “best interests” CICA stay override, holding that national security makes it “not necessary” to go further. The Court also held that national security concerns and the context of a CICA stay override justify use of a more deferential standard of review of agency action than in the normal bid protest: whether the plaintiff demonstrated a clear error of judgment.

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

**Thomas P. Humphrey**

Senior Counsel – Washington, D.C.

Phone: +1 202.624.2633

Email: [thumphrey@crowell.com](mailto:thumphrey@crowell.com)