

CLIENT ALERT

Not So Fast: Federal Circuit Reverses CFC Decision Limiting Indemnification Rights

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In *Indian Harbor Insurance Co.* (Jan. 11, 2013), the Federal Circuit reversed the CFC and held that letters from a state regulatory agency demanding clean-up of environmental contamination at a former military site resulting in a voluntary clean-up agreement do constitute a "claim for personal injury or property damage" under section 330 of the 1993 NDAA, which requires DoD to indemnify subsequent owners of military sites against certain such "claims." This decision is an important development for parties seeking federal indemnification in connection with state regulatory actions.

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

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