

## CLIENT ALERT

### Nyet: Board Finds Insufficient Evidence to Grant Summary Judgment on SOL Grounds

Jul.06.2016

In *Kellogg Brown & Root Servs., Inc.* (June 16, 2016), the ASBCA denied KBR's motion for summary judgment regarding two government demands for repayment of alleged overcharges that KBR argued were barred by the CDA's six-year statute of limitations. Citing *Sikorsky*, the board held that, even though KBR had presented numerous documents to show that the government was made aware of its challenged practices more than six years before the final decisions, the documents themselves (without more) failed to establish undisputed material facts sufficient to meet the post-*Sikorsky* burden of proof in light of the government's opposing evidence.

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

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