

## CLIENT ALERT

### Speak Now Or Forever Hold Your Claims

Feb.28.2019

The ASBCA in the reconsideration of *Parsons Evergreene LLC*, ASBCA No. 58634, stated that “the failure to argue alternative theories has consequences” and that it is not “the Board’s obligation to search the record for evidence of quantum to meet PE’s burden of proof.” In the entitlement and quantum decision on the Triarch issue, the Board held that while PE was entitled to recover the cost of applying Sherwin Williams paint, it could not determine the amount owed. In reconsideration, PE pointed the Board to documents in the record that would support a quantum calculation. The Board denied PE’s request stating that it would not grant reconsideration resulting from a new argument based on evidence in the record but not presented in PE’s post-hearing brief. Similarly, the Board denied PE’s request to reconsider its REA preparation claim because PE failed to present an argument or direct the Board to any evidence to support its claim that the REA preparation costs were incurred in furtherance of negotiations.

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

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