

CLIENT ALERT

Statute Of Limitations Invalidates Government Claim For The First Time

Dec.18.2009

For apparently the first time, the Contract Disputes Act's six-year statute of limitations has been judicially enforced to defeat a government claim. In *McDonnell Services, Inc.* (Dec. 2, 2009), the ASBCA dismissed the government's argument that its claims should be treated more generously than contractors' claims under the CDA statute of limitations and went on to rule that an Air Force Contracting Officer's final decisions were time-barred and a "nullity" because DCAA and the Air Force, through a series of audit reports beginning as early as 1998, "had established the basis for" the government's defective pricing claim, including putative damages, "well before, and definitely not later than" six years before the CO's June 2008 final decisions.

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

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