

CLIENT ALERT

The British Are Coming! The British Are Coming!

Sep.08.2005

In *United Kingdom Ministry of Defense v. Trimble Navigation* (Sept. 6, 2005), the 4th Circuit reversed the district court and reinstated the UK MOD's complaint seeking, as a third-party beneficiary, damages from a U.S. supplier for allegedly defective components that DoD had required the UK to purchase through the Foreign Military Sales channel for use by a UK prime contractor. The 4th Circuit concluded that the UK MOD's claims were not subject to the Contract Disputes Act because they were neither contractor claims against the government nor government claims against the contractor, but in remanding it left the district court to address, in the first instance, the "fact-sensitive" issue of whether the FMS contract reflected an intent to bestow third-party benefits.

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

Alan W. H. Gourley

Partner – Washington, D.C.

Phone: +1 202.624.2561

Email: agourley@crowell.com