

CLIENT ALERT

Who Knew? Limitations Defense Kept in Play Against U.S.

July 23, 2012

In *Sikorsky Aircraft Corp. v. U.S.*, the Court of Federal Claims found there to be triable issues of fact with regard to the contractor's statute of limitations defense as to when the government's claim accrued, i.e., when the government "knew or should have known" of alleged CAS 418 noncompliance. This case follows a series of similar recent cases at the CFC and the ASBCA and raises the issue of who in the government needs to have notice of a claim for it to accrue -- a contracting officer or "other responsible actors" such as DCAA auditors -- a question the court declined to resolve "[a]t this early juncture" in the proceedings.

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

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