Developments for Government Contractors to Watch in 2015

Crowell & Moring has posted the slides from a recent webinar on the recent ASBCA decision in *Laguna Construction*, which is likely to reverberate in 2015 and beyond. This case introduced the doctrine of "antecedent breach" in the ASBCA as a means of denying legitimate contractor claims.

In *Laguna*, after the completion of the contract, the contractor submitted a $3 million claim based on a dozen separate task orders under a large IDIQ contract, the firm explained on its website. Mid-way through litigation, two contractor employees pled guilty to receiving kickbacks from subcontractors on some, but not all, of the Task Orders at issue in the litigation. The Government then added Fraud as an affirmative defense at the Board, arguing that Laguna's *entire* claim should be denied because Laguna's employees had pled to Fraud on some of the Task Orders.

See the presentation.