



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: September 30, 2014

CBCA 337, 338, 339, 978, 2318

THE BOEING COMPANY, SUCCESSOR-IN-INTEREST
OF ROCKWELL INTERNATIONAL CORPORATION,

Appellant,

v.

DEPARTMENT OF ENERGY,

Respondent.

Michael T. Kavanaugh and James J. Gallagher of McKenna Long & Aldridge LLP, Los Angeles, CA; and S. Jean Kim of Chadbourne & Parke LLP, Los Angeles, CA, counsel for Appellant.

Brady L. Jones, III, and Kaniah W. Konkoly-Thege, Office of Legal Services, Department of Energy, Cincinnati, OH, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **STERN**, and **McCANN**.

McCANN, Board Judge.

On September 30, 2014, pursuant to Board Rule 25(b) (48 CFR 6101.25(b) (2013)), the parties submitted a joint motion for a stipulated award in the amount of \$4,500,000 and a settlement agreement which states in relevant part:

The Boeing Corporation, Successor-In Interest of the Rockwell International Corporation (“Rockwell”), on behalf of its members, shareholders, predecessors, successors, assigns, receivers, employees, agents, parent corporations or entities, subsidiary corporations or entities and related corporations or entities (hereinafter “Rockwell”); and the Department of Energy (“DOE”) agree as follows to resolve all matters arising out of or in any way relating to the lawsuit styled: The Appeals Of The Boeing Company, Successor-In-Interest Of Rockwell International Corporation, CBCA Nos. 337, 338, 339, 978 and 2318.

1. The Department of Energy agrees to pay Rockwell a lump sum payment in the amount of \$4.5 million, subject to the availability of funds. This amount constitutes complete satisfaction for the claims asserted in CBCA Nos. 337, 338, 339, 978 and 2318. Payment will be made by electronic funds transferred to the account of Rockwell (specific bank account information to be provided by counsel for Rockwell prior to payment).

The parties certify that they will not seek reconsideration of, or relief from, the Board’s decision, and neither party will appeal the Board’s decision.

Decision

The Board **GRANTS** the appeals **IN PART**. In accordance with the parties’ motion for stipulated award, the appellant is awarded a total of \$4,500,000. Payment shall be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2012).

R. ANTHONY McCANN
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

JAMES L. STERN
Board Judge