



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: June 3, 2016

CBCA 3704(1821)-REM

ROCKIES EXPRESS PIPELINE LLC,

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

L. Poe Leggette of Baker & Hostetler LLP, Denver, CO; and Osborne J. Dykes, III, and Kristopher C. Kleiner of Norton Rose Fulbright US LLP, Denver, CO, counsel for Appellant.

Colleen M. Burnidge, Matthew J. Wheeler, and Amy M. Siadak, Office of the Regional Solicitor, Department of the Interior, Lakewood, CO, counsel for Respondent.

Before Board Judges **SOMERS**, **GOODMAN**, and **WALTERS**.

GOODMAN, Board Judge.

On June 29, 2009, appellant, Rockies Express Pipeline LLC, appealed a denial of its certified claim by a contracting officer of respondent, the Department of the Interior. This case is presently before the Board on remand. *See Rockies Express Pipeline LLC v. Salazar*, 730 F.3d 1330, 1342 (Fed. Cir. 2013).

On May 24, 2016, pursuant to Board Rule 25(b) (48 CFR 6101.25(b) (2015)), the parties submitted a joint stipulation of settlement and motion for judgment in the amount of sixty-five million dollars (\$65,000,000) which states in relevant part:

[T]he Parties request that the Board enter an unconditional judgment in favor of Appellant awarding damages in the amount of \$65,000,000.00 (Sixty-Five Million Dollars) to be paid within 60 days of the date of judgment entered by the Board. It is understood that payment of the judgment amount will be made by the Treasury Department on behalf of respondent, [Department of the Interior], from the permanent indefinite judgment fund. If payment is not received by [appellant] on or before 30 days after judgment is entered by the Board, interest on the judgment amount will accrue thereafter at the rate(s) prescribed by the Contract Disputes Act (CDA) and payment of any such accrued CDA interest will be made together with the judgment amount. Each party will bear its own costs, attorneys' fees, and expenses. The parties agree that neither party will seek reconsideration of, nor relief from the Board's decision, and neither party will appeal the decision.

Pursuant to Rule 25(b) of the Board's Rules of Procedure, appellant and respondent certify that they will not seek review or reconsideration of this judgment. With respect to this decision of the Board issued pursuant to the motion for stipulated award, appellant and respondent have executed certificates of finality that waive their rights to reconsideration under Rule 26, rights to relief from judgment under Rule 27, and rights to appeal the decision.

Decision

Pursuant to the parties' motion for stipulated award, the Board **GRANTS** the appeal **IN PART**. Appellant is awarded a total of \$65,000,000. Payment, with interest stated above, may be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2012).

ALLAN H. GOODMAN
Board Judge

We concur:

JERI KAYLENE SOMERS
Board Judge

RICHARD C. WALTERS
Board Judge