

# WRF Files Supreme Court Brief Urging Review of *En Banc* Federal Circuit Decision

May 20, 2002

Washington, DC-The Federal Circuit Bar Association tapped WRF to prepare and file a brief in the Supreme Court of the United States urging the Court to review a recent split decision of the U.S. Court of Appeals for the Federal Circuit. In *Commonwealth Edison Co. v. United States*, 271 F.3d 1327 (Fed. Cir. 2001), the Federal Circuit upheld the retroactive imposition of Government assessments on utilities that purchased (directly or indirectly) Government-enriched uranium years ago, to help pay for the decontamination and decommissioning of the Government facilities that enriched that uranium. WRF attorneys Andrew G. McBride and Scott M. McCaleb asked the Court to review that decision and several related decisions on the bases that they (1) endorse retroactive self-dealing by the Government in contravention of the Supreme Court's Fifth Amendment and Government Contracts precedents, and (2) profoundly and adversely affect transactions between the Government and its contractors. A decision by the Supreme Court is expected in late May or early June.

## Related Professionals

Scott M. McCaleb  
Partner  
202.719.3193  
smccaleb@wiley.law

## Practice Areas

Bid Protests  
Buy American and Trade Agreements Acts  
Cost Accounting and Cost Allowability  
Data Rights and Other Contractor IP Issues  
Employment and Labor Standards Issues in Government Contracting  
Ethics Advice & Compliance Audits and Plans  
Federal Contract Claims, Disputes, and Terminations  
Government Contracts  
GSA Schedule and Commercial Item Contracts  
Health Care Contracting  
Internal Investigations and False Claims Act  
Litigation  
Mergers & Acquisitions and Due Diligence for Government Contractors  
Small Business Programs and Nontraditional Defense Contractors  
State and Local Procurement Law  
Suspension and Debarment  
Teaming Agreements, Strategic Alliances, and Subcontracting