

Boeing Statement on Appeals Court Refusal to Rehear A-12 Case

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CHICAGO, Nov. 24, 2009 – J. Michael Luttig, Boeing executive vice president and general counsel, today said that the company intends to appeal to the Supreme Court after the U.S. Court of Appeals for the Federal Circuit refused to rehear the company's appeal in the long-running A-12 case.

"We are disappointed in today's decision. The Court of Appeals' decision is clearly wrong as a matter of law and it has broad implications for all forms of government contracting nationwide. As a consequence, I have directed that an immediate appeal be taken to the Supreme Court of the United States," Luttig said.

At issue in this litigation, which has been pending over a decade, is the manner in which the Defense Department terminated the A-12 military aircraft program and whether the government owed Boeing (then McDonnell Douglas) and General Dynamics Corporation money for work in progress when the contract was terminated, as well as certain other expenses. The trial court originally ruled in favor of the contractors, but various appeals over the years have delayed a final decision.

The A-12 was to have been the Navy's next-generation, carrier-based advanced tactical aircraft utilizing low observable "stealth" technology.

Contact: John Dern, 312-544-2002

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