

Federal Claims

Decades of experience in high-profile federal claims litigation and a national reputation for substantial wins against the federal government.

Hollingsworth LLP has earned a national reputation for obtaining substantial results in high-stakes commercial and regulatory litigation involving some of the most difficult and complex issues currently pertaining to both liability assessments and damages awards against the federal government. Many of the same issues are also applicable in our inverse condemnation and other constitutional litigation against state and local governments.

Representing plaintiffs from a variety of industries and businesses, we have successfully advocated in some of the most important federal contract and Fifth Amendment taking and due process cases in the Court of Federal Claims and Federal Circuit Court of Appeals, including appeals to the Supreme Court of the United States. We have also represented many of the same clients, and other parties, in related regulatory litigation pending before other courts and in legislative proceedings. A sampling of our representation includes the following:

Winstar Litigation

We represented the lead party, Glendale Federal Bank, in the landmark Winstar litigation involved the government's breach of contracts it had entered with healthy savings and loans to induce them to take over failing thrifts during the S&L crisis of the 1980s. After obtaining summary judgment on contract liability in the Court of Federal Claims, we successfully defended that judgment before the en banc Federal Circuit in 1995 and firm founder Joe Hollingsworth successfully argued our client's case before the U.S. Supreme Court. Following this high-profile victory, we represented plaintiffs in ten other Winstar-related cases. Drawing on our expertise in general Financial Institutions litigation, we also represented a major thrift in non-Winstar Fifth Amendment-taking litigation challenging a government seizure.

Associated Cases

Nuclear Spent Fuel Litigation

We represented numerous nuclear utility companies in suits against the federal government arising out of the nuclear power industry. We represented the utilities in the three lead cases (among seventeen similar pending cases) seeking damages for the Department of Energy's breach of contractual commitments to remove and dispose of spent nuclear fuel from commercial reactor sites, seeking damages for each utility's costs associated with continuing to maintain spent nuclear fuel on site. Following the Federal Circuit's affirmance of a liability decision in favor of our clients,

these “spent fuel” cases were returned to the Court of Federal Claims for damages trials, where we obtained substantial recoveries for our clients. We also represented utility companies in a second group of cases challenging a tax that Congress retroactively imposed on the utility companies, involving issues similar to those in *Winstar*, and also involved constitutional issues arising from the Supreme Court’s 1998 *Eastern Enterprises* decision holding certain retroactive legislation unconstitutional. Our spent fuel representation included significant work on periodic legislative proposals aimed at improving DOE’s spent fuel disposal program or otherwise mitigating the adverse consequences of the government’s breach of the spent fuel disposal contracts.

Fifth Amendment Takings Litigation

We have successfully litigated Fifth Amendment taking claims arising from the denial of federal permits to develop wetlands property, and we have pursued just compensation claims arising from other federal regulatory actions. In conjunction with the monetary relief litigation noted above, we have handled related regulatory and commercial litigation in the D.C. Circuit and in other courts, as well as prepared amicus curiae briefs for a variety of clients in important federal contract and Fifth Amendment taking cases in the Court of Federal Claims, the Federal Circuit and the Supreme Court. Because of our deep roots in federal claims litigation, the firm has been retained as special takings or federal claims co-counsel in on-going litigations.

Asbestos Contribution Claims

The firm successfully represented two large manufacturers of asbestos-containing products seeking monetary contribution from the government for asbestos tort liability payments made to workers at federal facilities.

LEADERS IN THE INDUSTRY

As a result of our broad involvement in large-scale federal claims litigation for more than two decades (as well as our related Defense & Government Contracting practice), we have unparalleled experience in such cases in the Court of Federal Claims and Federal Circuit, and a thorough understanding of both existing precedent and emerging legal issues applicable to such cases. Our high-profile litigation victories against the federal government have received extensive coverage in the national press, and our attorneys have participated in, and spoken at, the annual judicial conferences of both the Court of Federal Claims and the Federal Circuit.