



Counsel

Litigation

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Practice Areas

Government Contracts

Wage and Hour Litigation and
Compliance

Construction

Employment Counseling

Commercial Litigation

Education

George Washington University
Law School – J.D., 1990

University of Maryland School of
Architecture – B.S., 1986

Shlomo D. Katz

Mr. Katz is a member of the Government Contracts Group. He focuses on the areas of government procurement and commercial law and litigation, wage and hour law and construction law. Mr. Katz has significant experience in preparing, negotiating and litigating contract claims and bid protests, as well as advising clients on contract compliance, small business, subcontracting and data rights issues under government contracts. He has participated in mergers and acquisitions of government contractors, advising on issues of assignment and novation, intellectual property / data rights, and security clearances. Mr. Katz has successfully litigated before federal, state and local courts and the Government Accountability Office and Boards of Contract Appeals.

In addition, Mr. Katz represents clients in connection with minimum wage, working time and overtime issues under the Federal Fair Labor Standards Act (FLSA), Service Contract Act (SCA), Davis-Bacon Act and state wage payment and prevailing wage laws. This includes conducting proactive wage-hour audits for employers as well as litigation of minimum wage, overtime and wage payment claims.

Mr. Katz is fluent in Hebrew.

REPRESENTATIVE MATTERS

- Won dismissal of a Lanham Act suit brought by an incumbent contractor against a bidder for a follow-on contract, and won dismissal of various state law claims against the client and three of its employees – *Kratos Defense Engineering Solutions, Inc. v. NES Associates, LLC et al*, Case No. 10-1452 (E.D. Va., Mar. 23, 2011).
- Represented Sabreliner Corporation and assisted the U.S. Air Force in upholding the contracting officer's determination that the awardee's contract performance would not pose an organizational conflict of interest (OCI) – *Protest of Valdez Corporation*, B-402256.3, 2011 CPD ¶13.



- Won summary judgment on behalf of a Government contractor that was sued in the U.S. District Court in California for alleged copyright infringement and breach of license, persuading the court that the Government, not the contractor, was the proper defendant – *BMMsoft, Inc. v. White Oaks Technology, Inc.*, No. C-09-4562 MMC, 2010 WL 1875727 (N.D. Cal., May 7, 2010) and 2010 WL 3340555 (N.D. Cal., August 25, 2010).
- Developed litigation strategy and conducted discovery and motion practice in both the U.S. Court of Federal Claims and the U.S. Civilian Board of Contract Appeals leading to successful multi-million dollar settlement of approximately 30 changes claims under a Government contract – *CH2M HILL Hanford Group, Inc. v. U.S. Department of Energy* (2009). (Along the way, Mr. Katz won a procedural victory in *CH2M Hill Hanford Group, Inc. v. U.S.*, 82 Fed.Cl. 139 (2008)).
- Persuaded the Civilian Board of Contract Appeals to dismiss a Government counterclaim against the client – *USProtect Corp. v. Department of Homeland Security*, CBCA 65, 08-1 BCA ¶ 33782 (2008).
- Led the appeals court to reverse the Armed Services Board of Contract Appeals and grant summary judgment to the contractor on its SCA price adjustment claim – *Lear Siegler Services, Inc. v. Rumsfeld*, 457 F.3d 1262 (Fed. Cir. 2006).
- Successfully opposed a bid protest against a multi-million dollar contract award to Ashton-Potter, even though the awarding agency agreed with the protestor that proposal evaluation was flawed – *Banknote Corporation of America, Inc. v. United States*, 365 F.3d 1345 (Fed. Cir. 2004).
- Persuaded the Federal Circuit to void Freedom, NY, Inc.'s release of its claims – *Rumsfeld v. Freedom, NY, Inc.*, 329 F.3d 1320 (Fed. Cir. 2003).
- Defended a major subway system against a \$47 million claim by one of the Metro's construction contractors – *KiSKA-Kajima v Washington Metropolitan Area Transit Authority*.



- Represented a contractor in a successful bid protest against the Army's exclusion of the contractor from bidding on an aircraft maintenance contract – *Fabritech, Inc.*, B-298247, 2006 CPD ¶112.
- Represented a contractor in successfully overturning the award of a multi-year Navy contract to a competitor – *Burns and Roe Services Corporation*, B-291530, 2004 CPD ¶85.
- Represented a contractor in successfully protesting the award of a sole-source contract to its competitor – *Protest of Sabreliner Corporation*, B-288030, 2001 CPD ¶170.
- Won partial summary judgment and negotiated favorable settlement for subcontractor in connection with a dispute arising from a DOE subcontract – *ICF Kaiser Hanford Company v. Westinghouse Hanford Co.* (E.D. Wash., Mar. 30, 1999).
- Won partial summary judgment for contractor in connection with the Army's denial of an unabsorbed overhead claim and then negotiated favorable settlement – *BEI Defense Systems Co.*, ASBCA No. 46399, 95-1 BCA ¶27,328.
- Successfully represented contractor in persuading the ASBCA to vacate its prior denial of the contractor's \$21 million claim and to schedule a new hearing, ultimately leading to a multi-million judgment for the contractor – *Freedom, NY, Inc.*, ASBCA No. 43965, 96-2 BCA ¶28,502.
- Successfully represented contractor in connection with a size protest – *C&D Security Management, Inc.*, SBA No. SIZ-4823 (O.H.A. 2006).

PUBLICATIONS

Mr. Katz has written dozens of articles on government contracts and wage & hour topics. He is co-author of, and writes regular supplements for, the following publications (all published by Thompson Publishing Group):

- *Employer's Guide to the Fair Labor Standards Act*
- *The Fair Labor Standards Handbook for States, Local Governments, and Schools*



- *The FLSA Employee Exemption Handbook*
- *The Public Employer's Guide to FLSA Employee Classification*
- *Do I Have to Pay My Employee for This? FLSA Working Time Essentials*
- *Smart Guide to FLSA Exemptions*
- *FLSA Overtime Basics*

Mr. Katz also contributes a regular "Legal Corner" column to the *Executive Summary*, the e-zine of the Association of Proposal Management Professionals - National Capital Area Chapter ("APMP-NCA), addressing legal issues relating to the preparation of proposals for Government contracts. Topics have included:

- *Oral Presentations* (Vol. 17, No. 3 Summer 2011);
- *Some Legal ABCs of the Bid and Proposal Profession* (Vol. 17, No. 2 Spring 2011);
- *How Proposal Evaluation Is and Is Not Like Grading a College Essay* (Vol. 17, No. 1 Winter 2010-11);
- *Connecting the Dots* (Vol. XVI, No. 3 Fall 2010);
- *Can I Make That Call? Marketing and the Procurement Integrity Act* (Vol. XV, No. 5, Winter 2009);
- *Locking-up Your Team* (Vol. XV, No. 4, Fall 2009);
- *Protect Your Investment* (Vol. XV, No. 3 Summer 2009).

Mr. Katz also is a contributor to Brown Rudnick's Government Contracts blog.

SPEAKING ENGAGEMENTS

Mr. Katz speaks regularly on government contracts and wage & hour topics.

Lectures delivered in 2010 and 2011 include:

- *Are Your Wage-Hour Policies Smartphone Smart?* (Sponsored by ThompsonInteractive.com, August 2, 2011);
- *New FLSA "Clean-Up Regulations": What You Need to Know* (Sponsored by ThompsonInteractive.com, May 2, 2011);



- *Why Do We Do What We Do? Understanding the Theories and Formalities Behind the Procurement Process* (Sponsored by APMP-NCA, April 11, 2011);
- *Exempt and Non-Exempt Employees—Are You Sure They Are Properly Classified?* (Sponsored by ThompsonInteractive.com, April 5, 2011 & October 13, 2010);
- *Employment of Interns and Seasonal Workers: How to Avoid Potential Wage-Hour and Other Employment Law Trouble* (ThompsonInteractive.com, March 16, 2011);
- *Whether you're large or small, make the small business rules work for you!* (APMP-NCA, October 12, 2010);
- *How to Apply the FLSA to Seasonal Employees* (ThompsonInteractive.com, May 18, 2010);
- *When to Ask for Counsel: An Attorney's View of the Proposal Process* (APMP-NCA, April 19, 2010);
- *The Legal Implications of Words: Avoiding Undesirable Consequences* (APMP-NCA, April 19, 2010); and
- *Can You Ask Hourly Employees to "Work" After Work: Paying for Cell Phone and Email Use* (ThompsonInteractive.com, January 6, 2010).

BAR ADMISSIONS & MEMBERSHIPS

- Admitted, District of Columbia and Maryland Bars
- Admitted, US Court of Appeals for the Federal Circuit, US Court of Appeals for the Fourth Circuit, US Court of Appeals for the Tenth Circuit, US Court of Federal Claims, US District of Colorado
- Member, District of Columbia Bar, Government Contracts and Litigation Section

PROFESSIONAL AFFILIATIONS

- Association of Proposal Management Professionals