

**FOR IMMEDIATE RELEASE**  
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**Government Agrees to Pay \$2.5 Million to Settle Contract Dispute**

WASHINGTON, D.C.—On April 24, 2013, the United States agreed to settle a breach of contract lawsuit, *International Industrial Park, Inc. v. United States*, Case No. 09-691C, stipulating to the entry of final judgment and to payment of attorneys’ fees and costs in the amount of \$756,900. This stipulation brought the final damages award to nearly \$2.5 million for the plaintiffs (IIP).

“We are thrilled that the Government has agreed to bring this case to a close,” said Nancie G. Marzulla, attorney for the plaintiffs. “IIP will finally recover the money they are owed for the Government’s failure to fulfill its promise.”

The breach of contract lawsuit was filed in the U.S. Court of Federal Claims seeking damages against the United States for breaching its contract with the plaintiffs, landowners who own private industrial land located in San Diego County, California along the U.S.-Mexico border. In 2008, IIP and the United States executed a contract that provided that IIP transfer an easement to the Government for a road the Government was to construct on IIP’s land. The road was to be an improved public road that both the Border Patrol agents and IIP could use on a permanent basis. The Border Patrol was particularly keen to have this road built because it needed to access IIP’s land in order to complete a new portion of the border fence under a major federal border control initiative and to allow Border Patrol agents access to the Otay Truck Trail. But as soon as the contract was signed, a disagreement erupted over how the road was to be constructed and how much the Government was willing to spend in constructing it.

One year after the contract had been executed, during which time the Government utilized IIP’s land to complete construction of the border fence project, the Government repudiated the agreement, informing IIP that it would not build the road after all. IIP then filed suit in the U.S. Court of Federal Claims for a breach of the contract to construct the road, arguing that the Government had received the benefit of its side of the bargain without fulfilling its promise to build the road for IIP’s benefit.

On appeal, the Federal Circuit affirmed the trial court’s liability and damages decision in a January 2013 per curiam opinion.

Marzulla Law, LLC represents the plaintiffs in this litigation. Nancie G. Marzulla and Roger J. Marzulla have decades of experience in representing plaintiffs in high-stakes, complex litigation in the U.S. Court of Federal Claims, including breach of contract, takings, and other money-damage claims. For more information and to obtain a free newsletter, please visit [www.marzulla.com](http://www.marzulla.com).