



Smithsonian Institution

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Proceedings of the Board of Regents Meeting held on January 29, 1990

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LITIGATION REPORT
January 1990

NEW CASES:

1. The Davis Corporation v. United States

The Davis Corporation was the prime contractor hired by the General Services Administration (GSA) to construct a storage system inside the Smithsonian's Museum Support Center in Suitland, Maryland. As previously reported to the Regents, in July 1987 GSA defaulted the Davis Corporation for failure to complete the project in a timely fashion. In June 1988 the Davis Corporation filed suit against the United States in the U.S. Claims Court, seeking to reverse the default and alleging, among other things, breach of contract. The Davis Corporation seeks \$12 million in damages.

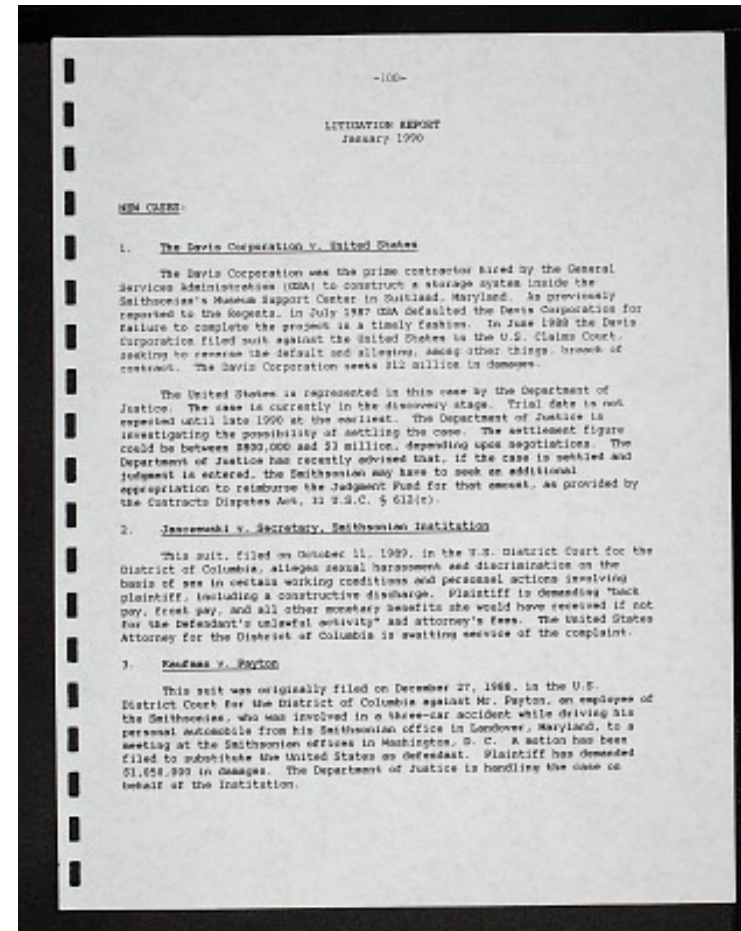
The United States is represented in this case by the Department of Justice. The case is currently in the discovery stage. Trial date is not expected until late 1990 at the earliest. The Department of Justice is investigating the possibility of settling the case. The settlement figure could be between \$800,000 and \$3 million, depending upon negotiations. The Department of Justice has recently advised that, if the case is settled and judgment is entered, the Smithsonian may have to seek an additional appropriation to reimburse the Judgment Fund for that amount, as provided by the Contract Dispute Act, 31 U.S.C.

2. Janczewski v. Secretary, Smithsonian Institution

This suit, filed on October 11, 1989, in the U.S. District Court for the District of Columbia, alleges sexual harassment and discrimination on the basis of sex in certain working conditions and personnel actions involving plaintiff, including a constructive discharge. Plaintiff is demanding "back pay, front pay, and all other monetary benefits she would have received if not for the defendant's unlawful activity" and attorney's fees. The United States Attorney for the District of Columbia is awaiting service of the complaint.

3. Kaufman v. Payton

This suit was originally filed on December 27, 1988, in the U.S. District Court for the District of Columbia against Mr. Payton, an employee of the Smithsonian, who was involved in a three-car accident while driving his personal automobile from his Smithsonian office in Landover, Maryland, to a meeting at the Smithsonian offices in Washington, D. C. A motion has been filed to substitute the United States as defendant. Plaintiff has demanded \$1,050,000 in damages. The Department of Justice is handling the case on behalf of the Institution.





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