

In the United States Court of Federal Claims

No. 00-202 C

(Filed: April 4, 2001)

_____)	
DANGFENG SHEN HO,)	
)	
Plaintiff,)	
)	Contracts; summary judgment;
v.)	Contract Disputes Act, 41 U.S.C. §
)	609(a)(3); waiver of breach; bad faith;
THE UNITED STATES,)	28 U.S.C. § 1491(a)(2); jurisdiction
)	over equitable claims
Defendant.)	
)	
_____)	

Stephen M. Shaw, Honolulu, HI, for plaintiff.

E. Michael Chiapas, with whom were David W. Ogden, Assistant Attorney General, David M. Cohen, Director, Donald E. Kinner, Assistant Director, Civil Division, United States Department of Justice, Washington, DC, for defendant. Alan D. Groesbeck, United States Department of Agriculture, Washington, DC, of counsel.

ERRATUM

HEWITT, Judge

The following paragraph shall be substituted for the second full paragraph on page 2 of the opinion and order issued on March 30, 2001.

For the following reasons, defendant's motion for summary judgment is GRANTED with respect to Counts I, III and IV of the complaint, and plaintiff's cross-motion for summary judgment is DENIED. Defendant's partial motion, in the alternative, to dismiss is GRANTED with respect to Count II of the complaint.

IT IS SO ORDERED.

EMILY C. HEWITT
Judge