

# In the United States Court of Federal Claims

NOT FOR PUBLICATION

No. 11-194C

(Filed May 3, 2011)

\*\*\*\*\*

HUMANTOUCH, LLC,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

\*\*\*\*\*

## ORDER

For the reasons stated on the record this afternoon, plaintiff's two motions to supplement the administrative record are **DENIED**. The declarations of plaintiff's president were not found to contain sufficient detail and context to rise above mere suspicion or innuendo, *cf. Tech Sys., Inc. v. United States*, 97 Fed. Cl. 262, 265-66 (2011) (finding more than innuendo when supplementation motion rested on specific statements heard and actions observed), and the expenditure patterns, absent any points of reference to comparable contracts, do not show "conduct that is hard to explain absent bad faith." *Beta Analytics Int'l, Inc. v. United States*, 61 Fed. Cl. 223, 226 (2004) (citation omitted). Discovery and supplementation must rest on hard facts of an objective nature, *see Int'l Res. Recovery, Inc. v. United States*, 61 Fed. Cl. 38, 43 (2004), not the subjective conclusions (no matter how sincere) of an officer of the plaintiff. The government's conditional motion to supplement the record is also **DENIED** as moot.

**IT IS SO ORDERED.**

s/ Victor J. Wolski

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**VICTOR J. WOLSKI**