

MONTGOMERY ROSS FISHER, INC. &  
H. A. LEWIS, INC., A JOINT VENTURE

CONTRACT NO. V691C-1248H

VA MEDICAL CENTER  
LOS ANGELES, CALIFORNIA  
5242

VABCA-3654, 3657, 3695,  
3697, 3704, 3710,  
3715, 3752-3753,  
3762 and 5241-

*Jeffrey D. Pearlman, Esq.*, Maguire, Orbach, Stapke & Harris, Law Corporation, Los Angeles, California, for the Appellant.

*James E. Petersen, Esq.*, Trial Attorney; *Charlma O. Jones, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D. C., for the Department of Veterans Affairs.

**ORDER ENTERING JUDGMENT  
AND  
ORDER OF DISMISSAL**

1. On October 15, 1997, the Board received the parties' Settlement Agreement And Joint Motion For An Order of Judgment. In the Motion, the parties request that the Board issue a judgment and dismiss with prejudice certain of the above-referenced appeals and that certain other appeals be dismissed without prejudice.

2. The Settlement Agreement provides that, in exchange for the VA's payment of \$45,990, Appellant releases the VA from any liability, including interest (except as specified later) and attorneys fees and expenses with regard to the appeals in VABCA-3657, 3710, 3715, 5241, 5242 and any further liability for any other claims arising under the above-referenced contract except for claims of Appellant's electrical subcontractor, EMI Electric, Inc. The parties therefore move that the Board enter judgment in Appellant's favor in the listed appeals in the amount stated. Inasmuch as the parties have stipulated the amount due Appellant in VABCA-3657, 3710, 3715, 5241, 5242, their Joint Motion For Judgment on the appeals listed is **granted**. Appellant is found entitled to \$45,990 plus interest, pursuant to the contract disputes act, from the date of this judgment to the date of payment thereon.

3. The parties have also jointly requested that the appeals in VABCA-3654, 3695, 3697, 3704, 3752, 3753, 3762 be dismissed without prejudice. Accordingly, pursuant to Rule 30, the appeals in VABCA-3654, 3695, 3697, 3704, 3752, 3753, 3762 are hereby **Dismissed** without prejudice to the subsequent restoration of these appeals to the Board's Docket. Unless either party or the Board acts within three years from the date of this Order Of Dismissal to reinstate these appeals, these dismissals shall be deemed to be with prejudice without further notice from the Board.

**It Is So Ordered**

Date: **October 16, 1997**

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Richard W. Krempasky  
Administrative Judge