

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

CONTRACT NO. V691C-1248H  
3704,

VABCA-3654, 3657,  
3695, 3697,

3710, 3752, 3753,

VA MEDICAL CENTER  
LOS ANGELES, CALIFORNIA

and 3762

*David W. Cornwell, Esq.*, Law Offices of David W. Cornwell, Torrance, California,  
for the Appellant.

*John Manfredonia, Esq.*, Trial Attorney, Office of General Counsel, Washington,  
D.C., for the Department of Veterans Affairs. *William E. Thomas, Jr., Esq.*, Assistant  
General Counsel; and *Phillipa L. Anderson, Esq.*, Deputy Assistant General Counsel, of  
Counsel.

**ORDER OF DISMISSAL  
(Without Prejudice)**

1. On December 7, 1993, the Board ordered the parties to Show Cause by January 7, 1994, why these appeals should not be dismissed without prejudice pursuant to Board Rule 30. Appellant has responded to the Board's Order by indicating that it is unable to move forward with proceedings in the above-referenced appeals. The Government has not responded. The Board notes that Appellant, in its response to the Show Cause Order, also requested a dismissal without prejudice of its appeal in VABCA No. 3696; that appeal was sustained and a judgment entered by the Board by decision dated November 11, 1993.

2. After considering Appellant's response to the Board's Order and the Government's failure to respond, which the Board considers as the Government's concurrence with Appellant's position, the appeals of Montgomery Ross Fisher, Inc. & H. A. Lewis, Inc., A Joint Venture, under Contract No. V691C-1248H, VABCA Nos. 3654, 3657, 3695, 3697, 3704, 3710, 3752, 3753, and 3762, are hereby **DISMISSED** without prejudice, subject to restoration to the Board's docket in accordance with Board Rule 30. Unless either party or the Board acts within three years of the date of this Order to reinstate these appeals, as provided in Rule 30, these dismissals shall be deemed to be with prejudice without further notice from the Board.

**IT IS SO ORDERED**

DATE: **January 12, 1994**

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RICHARD W. KREMPASKY  
Administrative Judge