

CERTIFIED

SCHOMBURG & SCHOMBURG

CONSTRUCTION GENERAL

CONTRACTORS, INC.

VABCA-3859-74,

CONTRACT NO. V550C-417 **3918, 3919, 3995**

& 4023

VA MEDICAL CENTER

DANVILLE, ILLINOIS

Jeffrey K. Clapper, Esq., Clapper & Clapper, P.C., Danville, Illinois, for the Appellant.

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

ORDER OF DISMISSALS

(Pursuant to Rule 30)

1. The first sixteen of these twenty appeals (VABCA Nos. 3859-74) were docketed by the Board on July 19, 1993. The other four appeals have subsequently been consolidated for further processing.
2. The parties have been conducting extensive discovery while also exploring the possibility of settlement. Both Counsel now represent that more discovery will be necessary in order to facilitate audit/settlement, or litigation if settlement cannot be achieved. In any event, the tentative hearing dates for May 1995 are now out of the question, with no realistic alternative schedule currently feasible.
3. After discussion between Counsel and the undersigned, the parties have determined that it is in their interest at this time to have these twenty appeals dismissed without prejudice pursuant to Board Rule 30. To this end they have filed a joint request pursuant to Rule 30.
4. The Board concludes that the parties are proceeding in good faith toward settlement and/or litigation of these appeals, but that any meaningful Board participation will be effectively suspended for an indeterminate period of time. It is therefore in the interest of administrative efficiency that these appeals be dismissed from the active docket. Of course, the parties may wish to move for reinstatement in order for the Board to enter an Order of Judgment. Should either party or the Board move to reinstate any or all of these

appeals for any reason, however, such action must be taken within three years of this date. Otherwise, the dismissal shall be deemed to be with prejudice without further notice from the Board.

5. Accordingly, the appeals of Schomburg & Schomburg Construction General Contractors, Inc., VABCA Nos. 3859-74, 3918-19, 3995 and 4023 are hereby **DISMISSED WITHOUT PREJUDICE**, subject to restoration to the Board's docket without loss of position, in accordance with Board Rule 30.

IT IS SO ORDERED

DATE: **January 25, 1995** _____

JAMES K. ROBINSON

Administrative Judge