NOVANT HEALTH, INC.
f/k/a CAROLINA MEDICORP, INC.

LEASE NO. 084B-015-92 **VABCA-5677-5830**
5866-5896

VA OUTPATIENT CLINIC
WINSTON-SALEM, NC

Karen E. Carey, Esq., Womble, Carlyle, Sandridge & Rice, PLLC, Winston-Salem, North Carolina, for the Appellant.

Patrick J. LaMoure, Esq. and ***Cameron V. Gore, Esq.***, Trial Attorneys; ***Charlma J. Quarles, Esq.***, Deputy Assistant General Counsel; and ***Phillipa L. Anderson, Esq.,*** Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER DISMISSING APPEALS WITHOUT PREJUDICE

1. The captioned appeals have been in a suspense status since May 5, 1999. The parties report that they are currently preparing for an audit of Appellant's claims. The DCAA stated that the most optimistic forecast for audit completion and Appellant response would be September 30, 1999. If additional records must be supplied or Appellant takes exception, the audit process could take longer. Upon completion of all audit matters, the VA will confer with a claims consultant in assessing its position, followed by a period (if warranted) of negotiations between the parties. Again, the most optimistic forecast is that by the end of November 1999 the parties may be able to identify the settlement potential of some or all of the claims/appeals. On the other hand, further discovery prior to settlement or subsequent litigation remains a distinct possibility.

2. Given the foregoing, the Board is unable to proceed in these appeals and is uncertain as to when its future involvement will be necessary. In such circumstances, Board Rule 30 provides a procedure whereby the appeals are removed from the Board's active docket, with no loss of priority in processing upon reinstatement.

3. Accordingly, the appeals of Novant Health, Inc., VABCA-5677-5830 and 5866-5896 are hereby Dismissed Without Prejudice. Either party may move to reinstate these appeals to the active docket, provided that the Board is furnished a proposed schedule for either settling the appeals or bringing the matter to a hearing within 120 days from the date of reinstatement. Unless either party or the Board acts to reinstate these appeals within three years of the date of this Order, this dismissal shall be deemed to be *with prejudice*.

It Is So Ordered

Date: **August 12, 1999**

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James K. Robinson
Administrative Judge