

TURNER CONSTRUCTION COMPANY

CONTRACT NO. V523C-1179

VABCA-5968

VA MEDICAL CENTER
BOSTON, MASSACHUSETTS

Bennett D. Greenberg, Esq., Seyfarth, Shaw, Fairweather & Geraldson,
Washington, D.C., for the Appellant.

Kenneth B. MacKenzie, Esq., Trial Attorney; *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. On March 6, 2000, the Board received the parties' MOTION TO DISMISS WITHOUT PREJUDICE in which the parties request that this appeal be dismissed under Rule 30.
2. The parties recite that they are pursuing a comprehensive settlement of this appeal and several other matters relating to the above cited contract and that, they are presently unable to continue proceedings in this appeal.
3. Since the parties are unable to proceed in this appeal and it does not appear that they may be in a position to so proceed within a reasonable time, the appeal of Turner Construction Company, Inc., VABCA-5968 is hereby DISMISSED WITHOUT PREJUDICE pursuant to Rule 30.

4. Either party may move at any time within three years of its receipt of this ORDER to reinstate this appeal to the active docket provided the party so moving simultaneously furnishes the Board a proposed schedule for bringing this appeal to final disposition within 120 days from date of motion.

5. Pursuant to Rule 30, should action not be taken to reinstate this appeal to the active docket within three years of the parties' receipt of this ORDER, the dismissal of this appeal shall be deemed to be with prejudice without further notice from Board.

IT IS SO ORDERED

DATE: **March 6, 2000**

RICHARD W. KREMPASKY
Administrative Judge