

MERRILL CONTRACTORS, INC.

CONTRACT NO. V648C-365

VABCA-6462-6463

VA MEDICAL CENTER
PORTLAND, OREGON

Arnold L. Gray, Esq., Stewart, Sokol & Gray, LLC, Portland, Oregon, for the Appellant.

Anna C. Maddan, Esq., Trial Attorney, San Francisco, California; *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 above-cited appeals were docketed on October 16, 2000 and there has not been significant progress made in bringing these appeals to trial.
2. On February 27, 2002, the Board received a Status Report from Appellant which indicates that the general contractor and the subcontractor are in negotiations concerning modifications to the contract. Approval or disapproval of these modifications will determine whether Appellant will pursue these appeals.
3. Given the foregoing, the Board is unable to proceed in these appeals and has little assurance of when it may do so. Accordingly, the appeals of Merrill

Contractors, Inc., VABCA-6462-6463, are hereby Dismissed Without Prejudice pursuant to Rule 30.

4. Either party may move at any time within three years to reinstate these appeals to the active docket provided it simultaneously furnishes the Board a proposed schedule for bringing these matters to hearing within 120 days from the date of motion.

IT IS SO ORDERED

DATE: **March 6, 2002**

PATRICIA J. SHERIDAN
Administrative Judge