

WITHERINGTON CONSTRUCTION  
CORPORATION

CONTRACT NO. V565C-958

VABCA-6578

VA MEDICAL CENTER  
FAYETTEVILLE, NORTH CAROLINA

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Ridgeland, Mississippi, for the Appellant.

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Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General  
Counsel, Washington, D.C., for the Department of Veterans Affairs.

**ORDER ENTERING JUDGMENT**

1. On April 15, 2002, the Department of Veterans Affairs and Appellant filed a JOINT MOTION FOR JUDGMENT ON STIPULATED SETTLEMENT. The Motion encloses a STIPULATION OF SETTLEMENT fully executed on April 9, 2002, entered into by the parties concerning VABCA-6578.
2. The parties indicate that they have reached an amicable resolution of the dispute, which is the subject of VABCA-6578, and jointly move that the Board enter Judgment in the principle amount of \$198,798.47 and interest in the amount of \$187,216 pursuant to the Contract Disputes Act of 1978.

3. The STIPULATION OF SETTLEMENT states that the Government agrees to pay the Appellant \$198,798.47 as a complete and equitable adjustment to this appeal and “includes all costs, both direct and indirect, including attorney fees but not interest.” The STIPULATION further provides the Government agrees to pay \$187,216 in interest pursuant to the *Contract Disputes Act of 1978*.

4. The STIPULATION OF SETTLEMENT recites that the Appellant “releases the Government from all liability under this contract for further equitable adjustments attributable to the facts and/or circumstances giving rise to this appeal,” but “[i]t is specifically understood and agreed that the release . . . shall in no way apply to the request for equitable adjustment that Witherington submitted to the contracting officer on February 12, 2002.”

5. Inasmuch as the parties have reached agreement in this appeal, the Motion is granted. Judgment is entered in the amount of \$198,798.47 with interest in the amount of \$187,216 to be paid pursuant to the terms and conditions of the STIPULATION OF SETTLEMENT entered into by the parties.

6. Accordingly, the appeal of Witherington Construction Corporation, VABCA-6578, is hereby dismissed with prejudice, subject to reinstatement if the settlement is not effectuated.

**IT IS SO ORDERED**

DATE: **April 17, 2002**

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PATRICIA J. SHERIDAN  
Administrative Judge