

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Epsilon Lambda Electronics Inc.) ASBCA No. 60704
)
Under Contract Nos. FA9453-10-C-0029)
N68335-07-C-0460)

APPEARANCE FOR THE APPELLANT: Mr. Robert M. Knox
President

APPEARANCES FOR THE GOVERNMENT: E. Michael Chiaparas, Esq.
DCMA Chief Trial Attorney
Lawrence S. Rabyne, Esq.
Senior Trial Attorney
Defense Contract Management Agency
Arlington Heights, IL

ORDER OF DISMISSAL

On 6 September 2017, Mr. Knox, on behalf of appellant, executed a settlement agreement with the government disposing of the subject matter of this appeal by establishing a payment plan with the government. The settlement agreement required appellant to file a motion to dismiss with prejudice within 10 days of its execution. This, appellant did not do. The government requested that we dismiss the matter anyway, and appellant opposed that request. Consequently, we conducted a telephonic status conference with the parties today to discuss the matter. During that status conference, Mr. Knox represented that he wished to dismiss his appeal with prejudice to bring this matter to closure. We inquired with Mr. Knox to make sure that he understood the ramifications of this request and that he understood that he would not be able to bring a new appeal on the same subject matter if the request were granted. Mr. Knox stated that he understood and that he still desired the prejudicial dismissal. We also inquired of the government whether it would still consider itself bound by the settlement agreement in light of appellant's failure to file a timely request for dismissal. On behalf of the government, Mr. Rabyne stated that the government would remain bound by the agreement. Mr. Rabyne also stated that the government had no objection to the motion to dismiss.

In light of the government's agreement to abide by the terms of the settlement agreement and Mr. Knox's unopposed request to dismiss this appeal with prejudice, this appeal is hereby DISMISSED WITH PREJUDICE.

Dated: 7 November 2017



J. REID PROUTY
Administrative Judge
Vice Chairman
Armed Services Board
of Contract Appeals

I certify that the foregoing is a true copy of the Order of Dismissal of the Armed Services Board of Contract Appeals in ASBCA No. 60704, Appeal of Epsilon Lambda Electronics Inc., rendered in conformance with the Board's Charter.

Dated:

JEFFREY D. GARDIN
Recorder, Armed Services
Board of Contract Appeals