

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Tessada & Associates, Inc.) ASBCA No. 59446
)
Under Contract No. NNA09DB40C)

APPEARANCE FOR THE APPELLANT: Tami J. Howie, Esq.
Executive Vice President and General Counsel

APPEARANCES FOR THE GOVERNMENT: Scott W. Barber, Esq.
NASA Chief Trial Attorney
Colleen Burt, Esq.
Kevin F. Kouba, Esq.
Trial Attorneys
NASA Ames Research Center
Moffett Field, CA

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

By letter to the Board dated 20 November 2015, with supporting attachments, government counsel advised the Board that appellant's assets had been acquired by Fort Sill Apache Industries, LLC (FSA Industries) and that appellant's counsel had accepted a new position at a different business enterprise.

By letter to appellant's counsel dated 23 November 2015, the Board ordered appellant's counsel to advise the Board whether she remained counsel of record in the appeal and whether the "appellant remains a corporate entity in pursuit of this appeal, or whether FSAIL or other successor entity currently is in pursuit of this appeal." Appellant was also copied on this Order at its last known business address. Neither appellant nor appellant's counsel responded to this Order.

By letter to appellant's counsel dated 12 January 2016, the Board issued an Order to Show Cause, directing appellant to show cause, no later than 1 February 2016, why this appeal should not be dismissed with prejudice for failure to prosecute. Appellant was also copied on this Order at its last known business address. Neither appellant nor appellant's counsel responded to this Order.

By letter to FSA Industries dated 2 February 2016, the Board ordered FSA to contact the Board in writing, no later than 1 March 2016, if it was the successor to appellant and wished to prosecute this appeal on its behalf. The Order concluded as follows: "If the Board does not hear from you by **1 March 2016**, it may DISMISS THIS

APPEAL WITH PREJUDICE FOR FAILURE TO PROSECUTE WITHOUT FURTHER NOTICE.” FSA Industries did not respond to this Order.

In view of the foregoing ASBCA No. 59446 is hereby dismissed with prejudice for failure to prosecute, under Board Rule 17.

Dated: 7 March 2016



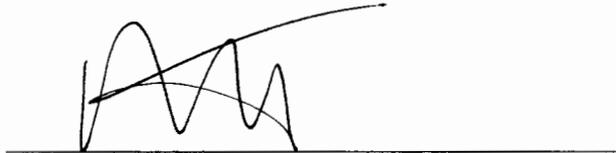
JACK DELMAN
Administrative Judge
Armed Services Board
of Contract Appeals

I concur



MARK N. STEMLER
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

I concur



RICHARD SHACKLEFORD
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. 59446, Appeal of Tessada & Associates, Inc., rendered in conformance with the Board's Charter.

Dated:

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