

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -)
)
Lambert Engineering & Construction) ASBCA No. 63669
Services, Inc.)
)
Under Contract No. W912PM-17-C-0014)

APPEARANCE FOR THE APPELLANT: Mr. Justin Lambert
President and Owner
Laramie, WY

APPEARANCES FOR THE GOVERNMENT: Michael P. Goodman, Esq.
Engineer Chief Trial Attorney
Carl E. Pruitt, Jr., Esq.
Justin P. McCorcle, Esq.
Engineer Trial Attorneys
U.S. Army Engineer District, Wilmington

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE


On October 1, 2024, the government filed a motion to dismiss this appeal for failure to prosecute pursuant to Board Rule 17. In its motion, the government asserted that appellant failed to take any actions with respect to this appeal since February 2, 2024, when it responded to the government’s discovery requests. Additionally, the government noted that after appellant’s counsel withdrew from the representation in August 2024, appellant’s owner, Mr. Justin Lambert, failed to respond to the government’s subsequent attempts to contact him. The Board also notes that appellant has failed to submit its opening brief as required in the Board’s October 26, 2023, Rule 11 Scheduling Order.

By Order dated October 10, 2024, the Board directed appellant to submit both its response to the government’s motion to dismiss and its Rule 11 opening brief within 30 days from the date of that Order. Appellant was also advised that failure to comply with the Board’s Order could result in the Board dismissing the appeal for failure to prosecute. Appellant has failed to provide a response.

On November 21, 2024, the Board issued an Order to Show Cause, directing appellant to show cause why the appeal should not be dismissed for failure to prosecute within 21 days of the date of the Order. The Board has received no response from appellant.

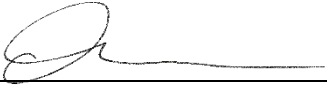
Accordingly, this appeal is dismissed with prejudice under Board Rule 17 for failure to prosecute.

Dated: January 16, 2025



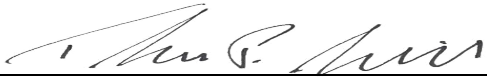
JOHN J. THRASHER
Administrative Judge
Chairman
Armed Services Board
of Contract Appeals

I concur



OWEN C. WILSON
Administrative Judge
Vice Chairman
Armed Services Board
of Contract Appeals


I concur



THOMAS P. MCLISH
Administrative Judge
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. 63669, Appeal of Lambert Engineering & Construction Services, Inc., rendered in conformance with the Board's Charter.

Dated: January 16, 2025



PAULLA K. GATES-LEWIS
Recorder, Armed Services
Board of Contract Appeals