

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of --)
)
Nationview/Bhate JV III, LLC) ASBCA Nos. 59770, 59908
)
Under Contract No. W91278-10-C-0070)

APPEARANCES FOR THE APPELLANT: E. Mabry Rogers, Esq.
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APPEARANCES FOR THE GOVERNMENT: Thomas H. Gourlay, Jr., Esq.
Engineer Chief Trial Attorney
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U.S. Army Engineer District, Tulsa

OPINION BY ADMINISTRATIVE JUDGE TING

Pursuant to a mediation conducted by the Board, the parties have settled the appeals. The parties have entered into a settlement agreement and have jointly requested that the Board enter judgment in the above-referenced appeals.

It is the Board's decision, pursuant to 41 U.S.C. §§ 7105(e), 7108(b), and the parties' stipulation and agreement, that the appeals are sustained. In the nature of a consent judgment, the Board makes a monetary award to appellant in the amount of \$1,509,627.50 inclusive of interest (¶ 2.a of settlement agreement). The Corps of Engineers will pay Nationview/Bhate JV III, LLC \$25,372.50 in retainage. The Corps of Engineers will submit the balance amount of \$1,509,627.50 for payment from the Judgment Fund. No interest shall be paid on this amount.

Dated: 27 August 2015



PETER D. TING
Administrative Judge
Armed Services Board
of Contract Appeals

(Signatures continued)

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 Opinion and Decision of the Armed Services Board of Contract Appeals in ASBCA Nos. 59770, 59908, Appeals of Nationview/Bhate JV III, LLC, rendered in conformance with the Board's Charter.

Dated:

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