

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of --)
)
Defense Holdings, Inc.) ASBCA No. 60116
)
Under Contract Nos. N00024-04-C-4000)
 N68335-05-C-0135)
 N00178-05-D-4471)
 N68335-06-D-0007)
 FA8501-07-C-0014)
 M67854-07-C-1096)
 N00024-07-C-4207)
 W911W6-09-D-0006)

APPEARANCE FOR THE APPELLANT:

Keith L. Baker, Esq.
Baker, Cronogue, Tolle & Werfel
McLean, VA

APPEARANCES FOR THE GOVERNMENT:

E. Michael Chiapas, Esq.
DCMA Chief Trial Attorney
Robert L. Duecaster, Esq.
Trial Attorney
Defense Contract Management Agency
Chantilly, VA

ORDER OF DISMISSAL

By letter dated 16 February 2016, appellant advised the Board that it has filed for bankruptcy protection pursuant to Chapter 11 of the Bankruptcy Act. Appellant alleges that actions by the government, which is a scheduled creditor, to recover its claim outside of the bankruptcy proceedings are stayed. Accordingly, appellant moves for the appeal to be dismissed without prejudice, to which the government agrees.

The Board is unable to proceed with disposition of this appeal for an inordinate length of time due to factors not within the control of the Board. Accordingly, the appeal is hereby dismissed, pursuant to Board Rule 18(b), without prejudice to its restoration, subject to the time limit below. Appellant should advise the Board as soon as it is able to move forward with the processing of the appeal. The parties should note that unless

either party or the Board acts to reinstate the appeal within one year from the date of this Order, the dismissal shall be deemed with prejudice.

Dated: 1 March 2016



MARK N. STEMLER
Administrative Judge
Acting 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. 60116, Appeal of Defense Holdings, Inc., rendered in conformance with the Board's Charter.

Dated:

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