

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeal of -)
)
Eijad Shaher Construction Material Company) ASBCA No. 62149
)
Under Contract No. W91B4N-18-P-8050)

APPEARANCE FOR THE APPELLANT: Mr. Abdul Qader Sultani
President

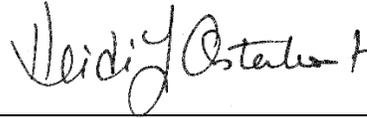
APPEARANCES FOR THE GOVERNMENT: Scott N. Flesch, Esq.
Army Chief Trial Attorney
MAJ Nicholas Lucchetti, JA
CPT Brian C. Habib, JA
MAJ Seth Ritzman, JA
Trial Attorneys

ORDER OF DISMISSAL

The Board first ordered appellant to respond to the government's discovery request on October 7, 2020. Appellant responded to that Order, stating that it had already provided all discovery to the government. The Board issued an Order on November 19, 2020, informing appellant that it did not fully comply previously and again ordering appellant to comply with the government's discovery requests. In the Order, the Board warned that failing to comply could lead to dismissal for failure to prosecute the appeal. The Board also amended the schedule, ordering discovery to be completed by February 19, 2021. Appellant did not respond to this Order. Because the close of discovery was approaching, the government renewed its motion to compel discovery and informed the Board that appellant would not reply to any attempted communications. On January 21, 2021, the Board suspended the schedule, again warned appellant that failure to comply with the Order could lead to dismissal for failure to prosecute the appeal, ordered appellant to respond to the government's discovery requests, and ordered appellant to answer the government's motion by February 5, 2021. Appellant did not respond to the Order. The government filed a motion requesting the Board dismiss the appeal with prejudice because appellant failed to respond to the Order or communicate with the government. On March 9, 2021, the Board ordered appellant to show cause as to why the appeal should not be dismissed with prejudice and to explain its failure to respond to any discovery requests or communications with the government. The Board allowed appellant until March 30, 2021, to respond. Appellant has not responded.

Appellant has repeatedly failed to respond to the Board's Orders. Accordingly, the above appeal is dismissed with prejudice under Board Rule 17.

Dated: April 7, 2021



HEIDI L. OSTERHOUT
Administrative Judge
Armed Services Board
of Contract Appeals

I concur



RICHARD SHACKLEFORD
Administrative Judge
Acting Chairman
Armed Services Board
of Contract Appeals

I concur



OWEN C. WILSON
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. 62149, Appeal of Eijad Shaher Construction Material Company, rendered in conformance with the Board's Charter.

Dated: April 8, 2021



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