



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: March 27, 2007

CBCA 424

CADDELL CONSTRUCTION CO., INC.,

Appellant,

v.

DEPARTMENT OF STATE,

Respondent.

Aubrey L. Coleman, Jr., and Thomas J. Kelleher, Jr., of Smith, Currie & Hancock LLP, Atlanta, GA, counsel for Appellant.

Luisa M. Alvarez, Office of the Legal Adviser, Buildings and Acquisitions, Department of State, Rosslyn, VA, counsel for Respondent.

GOODMAN, Board Judge.

ORDER

This appeal was filed by appellant on November 15, 2005, from respondent's contracting officer's final decision dated September 16, 2005, denying a claim by appellant arising from a contract to construct a United States Embassy compound in Bamako, Mali.

Respondent filed a motion for summary relief on April 11, 2006, and appellant filed a response and cross-motion for summary relief on May 1, 2006. Respondent filed a response to appellant's cross-motion on June 1, 2006, and appellant filed a response on July 5, 2006.

Thereafter, the Board reviewed the parties's submissions in support of their motions for summary relief, and conducted a telephonic conference with counsel on October 24, 2006. During that conference, the Board directed counsel to submit additional documentation and stipulations into the record, to clarify their previous submissions.

Shortly thereafter, the parties requested that proceedings be suspended to allow them to engage in settlement discussions. On March 23, 2007, appellant filed a motion to dismiss the appeal with prejudice, as the case had been settled.

Accordingly, this appeal is **DISMISSED WITH PREJUDICE**.

ALLAN H. GOODMAN
Board Judge