DISMISSED WITH PREJUDICE: February 19, 2010

CBCA 1622

DOUG O'BRYAN CONTRACTING, INC.,

Appellant,

v.

DEPARTMENT OF TRANSPORTATION,

Respondent.

Thomas R. Olson of Olson & Price, Ltd., West Saint Paul, MN, counsel for Appellant.

David Sett, Division Counsel, Central Federal Lands Highway Division, Federal Highway Administration, Department of Transportation, Lakewood, CO, counsel for Respondent.

VERGILIO, Board Judge.

## ORDER

On June 25, 2009, the Board received from Doug O'Bryan Contracting, Inc. (contractor) a notice of appeal seeking payment of \$913,497.39 and a time extension of 209.5 days for unavoidable delays under its contract, DTFH68-07-C-00025, with the Department of Transportation, Federal Highway Administration, Central Federal Lands Highway Division, to construct a roadway. Formal proceedings were suspended, while the parties engaged in mediation. On February 19, 2010, the Board received from the contractor a request for a dismissal with prejudice; the parties have settled the case and executed a binding settlement agreement. The Board **DISMISSES WITH PREJUDICE** this appeal.

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JOSEPH A. VERGILIO Board Judge