



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: February 15, 2024

CBCA 7869

MERCER FRASER CO.,

Appellant,

v.

DEPARTMENT OF TRANSPORTATION,

Respondent.

Neil H. O'Donnell and Richard M. Harris of Rogers Joseph O'Donnell, PC, San Francisco, CA, counsel for Appellant.

Jack F. Gilbert, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, Lakewood, CO, counsel for Respondent.

SHERIDAN, Board Judge.

ORDER

On February 13, 2024, the parties jointly moved that the Board dismiss the above-captioned appeal with prejudice pursuant to Rule 12(b)(2) (48 CFR 12(b)(2) (2022)). The motion states that both parties shall bear their own fees and costs. The motion is granted. This appeal is **DISMISSED WITH PREJUDICE**.

Patricia J. Sheridan

PATRICIA J. SHERIDAN
Board Judge