



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

MOTION TO COMPEL DENIED: August 21, 2025

CBCA 7992, 7993

LOUIS J. BLAZY,

Appellant,

v.

DEPARTMENT OF STATE,

Respondent.

Louis J. Blazy, pro se, Alexandria, VA.

Alexandra N. Wilson, Office of the Legal Adviser, Buildings and Acquisitions,
Department of State, Washington, DC, counsel for Respondent.

GOODMAN, Board Judge.

ORDER¹

During a telephone conference on June 16, 2025, conducted by the presiding judge with appellant and respondent's counsel, appellant asserted that respondent failed to produce information (metadata) regarding documents previously produced pursuant to discovery requests. Discovery was extended, to address this issue, through August 15, 2025. Appellant

¹ This order is being published to assist in providing greater transparency to the public about how the Board addresses issues. Although single-judge orders like this one are binding in the appeals in which they are issued, they are, consistent with Rule 1(d) (48 CFR 6101.1(d) (2024)), not precedential in other appeals before the Board.

filed discovery requests seeking the information allegedly not produced, and respondent's counsel filed objections in response.

On July 21, 2025, appellant filed a motion to compel production of the information sought. Respondent filed a response to the motion on July 24, 2025, stating that the information appellant seeks is duplicative of that previously produced.² Respondent explains that appellant is requesting respondent's third-party vendor to provide an "audit log or system records." Respondent provides examples to show that the work product of the third-party vendor would only contain the previously produced information in another format, without additional relevant information.

Appellant also moves to compel the Government to provide declarations by records custodians for any of the information that appellant contends might be unavailable or destroyed, to which respondent has objected, as no declarations exist.

Having reviewed the parties' submissions, respondent has clearly demonstrated that 1) the information appellant requests has been previously produced, though not in the format appellant now seeks (i.e., in audit logs or system records); and 2) declarations by record custodians do not exist. Appellant cannot compel respondent to create the audit logs or system records and declarations. *E.g., Wheeler Logging, Inc. v. Department of Agriculture*, CBCA 97, 08-1 BCA ¶ 33,746, at 167,057 (2007) (parties cannot compel creation of documents that do not exist). Appellant's motion to compel is **DENIED**.

Allan H. Goodman
ALLAN H. GOODMAN
Board Judge

² Respondent's counsel states in the response to the motion to compel that she attempted to contact appellant to discuss the objections to the requests for production, but appellant filed the motion to compel without speaking to her. In the motion to compel, appellant did not represent that he had attempted to discuss the grounds for the motion with respondent's counsel, or that an effort was made to resolve the matter informally, before filing the motion. On that basis alone, we could deny the motion to compel. Rules 8(a), 13(e)(2). Even so, the issues raised in the motion are addressed herein as part of our greater obligation to assist the parties to resolve the case as promptly as practicable. *J.R. Mannes Government Services Corp., v. Department of Justice*, CBCA 5911, 18-1 BCA ¶ 36,994, at 180,163; *LFH, LLC v. General Services Administration*, CBCA 395, et al., 07-1 BCA ¶ 33,537, at 166,141.