



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: December 15, 2011

CBCA 65

JANET M. NESSE, TRUSTEE,

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Janet M. Nesse and Lawrence P. Block of Stinson Morrison Hecker LLP, Washington, DC, counsel for Appellant.

Jennifer L. Longmeyer-Wood, Office of the Principal Legal Advisor, Immigration and Customs Enforcement, Department of Homeland Security, Washington, DC, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

USProtect Corporation (USProtect) claimed that pursuant to requirements of the Service Contract Act, it was entitled to an increase of \$439,387.15 in payments under a contract with the Department of Homeland Security for the provision of guard services at various federal buildings in California. In 2005, the contractor appealed to the Department of Transportation Board of Contract Appeals from the contracting officer's deemed denial of the claim. When that board was consolidated into the Civilian Board of Contract Appeals in 2007, this case was transferred to us.

USProtect subsequently filed for bankruptcy under Chapter 7 of the Bankruptcy Code, and Janet M. Nesse was appointed trustee for the estate of the corporation. Following lengthy settlement negotiations, the trustee represents that she and the United States reached a global resolution of all claims between USProtect and the Federal Government, including the one at issue in this case. The settlement agreement was approved by the Bankruptcy Court on November 21, 2011.

On December 14, 2011, the appellant (now Ms. Nesse as trustee) moved the Board to dismiss this case with prejudice.

The motion is granted. The case is **DISMISSED WITH PREJUDICE**.

STEPHEN M. DANIELS
Board Judge