



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED: May 26, 2016

CBCA 5308

FUTURE FOREST, LLC,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Alan I. Saltman and Brian S. Wood of Smith, Currie & Hancock, LLP, Washington, DC, counsel for Appellant.

Patricia L. Disert, Office of General Counsel, Department of Agriculture, Albuquerque, NM, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **VERGILIO**, and **SHERIDAN**.

SHERIDAN, Board Judge.

In this appeal, appellant, Future Forest, LLC (Future Forest), sought \$56,132.49 plus interest pursuant to the Contract Disputes Act, 41 U.S.C. §§ 7101-7109 (2012) (CDA), on several unpaid or underpaid invoices submitted to a Department of Agriculture, Forest Service (Forest Service) contracting officer under contract 53-8173-4-001, the White Mountain Stewardship contract. When the Forest Service contracting officer failed to issue a timely final decision on the claim within sixty days of receipt, Future Forest filed an appeal from a deemed denial of the claim. 41 U.S.C. §§ 7103(f)(5), 7104.

On May 24, 2016, the parties filed a corrected joint motion for entry of stipulated judgment, stating:

Pursuant to CBCA Rule 25(b), the parties, by their undersigned counsel, jointly move for entry of a stipulated judgment of \$56,132.49 plus Contract Disputes Act interest thereon from October 12, 2015. This amount shall be paid from the permanent indefinite judgment fund. This stipulated judgment amount is inclusive of all costs, direct and indirect, including but not limited to any attorney's fees and expenses

The parties will not seek reconsideration of, or relief from, the Board's decision under CBCA Rules 26 and 27, respectively, and neither party will appeal the Board's decision.

Based on the foregoing, the parties jointly request that the Board grant this Corrected Joint Motion for Entry of Stipulated Judgment.

Decision

Accordingly, this appeal is **GRANTED**. In accordance with the parties' motion, the Board awards the sum of \$56,132.49 plus CDA interest to run from October 12, 2015, until payment. Payment may be made from the permanent indefinite judgment fund, 31 U.S.C. § 1304 (2012). This award does not include attorney fees and expenses; the Board understands the motion to state that appellant will not seek such fees and expenses.

PATRICIA J. SHERIDAN
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

JOSEPH A. VERGILIO
Board Judge