



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED WITH PREJUDICE: September 2, 2016

CBCA 4749-C(2397)

EM LOGGING,

Applicant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

R. Allan Payne of Doney Crowley P.C., Helena, MT, counsel for Applicant.

Jennifer T. Newbold, Office of the General Counsel, Department of Agriculture, Missoula, MT, counsel for Respondent.

**VERGILIO**, Board Judge.

ORDER

EM Logging and the Department of Agriculture have resolved the application for attorney fees and costs (CBCA 4749-C(2397)), as well as the quantum issue following a determination that a termination for default was not supported by substantial evidence, *EM Logging v. Department of Agriculture*, 778 F.3d 1026 (Fed. Cir. 2015) (the default had been challenged initially at the Board, CBCA 2427). In accordance with a joint motion, dated September 1, 2016, which states that each party shall bear its own costs, attorney fees, and expenses, the Board **DISMISSES WITH PREJUDICE** this remaining case on the docket.

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JOSEPH A. VERGILIO  
Board Judge