



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED WITH PREJUDICE: November 30, 2010

CBCA 2039

DESIGN ONE BUILDING SYSTEMS, INC.,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Christopher W. Martin of Ayres & Parkey, Knoxville, TN, counsel for Appellant.

Thomas J. Mitchell and Phillipa L. Anderson, Office of the General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

**DANIELS**, Board Judge (Chairman).

ORDER

Design One Building Systems, Inc. (Design One), leases to the Department of Veterans Affairs (VA) a building in Knoxville, Tennessee. Design One submitted to the VA contracting officer several claims under this lease, and after the claims were denied, appealed the contracting officer's decisions to this Board.

The parties are engaged in settlement discussions concerning the claims, with a Board judge facilitating the discussions. The parties have resolved one of the matters in dispute -- the claim for an equitable adjustment for materials used in constructing a buildout of the structure to suit the VA's needs, which has been docketed as CBCA 2039. The parties have jointly moved the Board to dismiss this case with prejudice to its reinstatement.

Accordingly, CBCA 2039 is **DISMISSED WITH PREJUDICE**.

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STEPHEN M. DANIELS  
Board Judge