



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

APPELLANT MOTION FOR TEMPORARY RESTRAINING ORDER
AND INJUNCTION DENIED: February 12, 2019

CBCA 6318

BVB CONSTRUCTION, INC.

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Jaqueline T. Slade, President, BVB Construction, Inc., Ventura, CA, appearing for Appellant.

David G. Fagan, Office of General Counsel, Department of Veterans Affairs, Portland, OR; and Donald Mobly, Office of General Counsel, Department of Veterans Affairs, Denver, CO, counsel for Department of Veterans Affairs.

Before Board Judges **VERGILIO**, **SHERIDAN**, and **SULLIVAN**.

VERGILIO, Board Judge.

In this appeal, the contractor, BVB Construction, Inc., states that it seeks to recover extended overhead costs based on project delays. In its complaint, it alleges breach of contract, breach of a duty of good faith and fair dealing, negligent misrepresentation, and negligent interference with prospective economic advantage.

As the underlying appeal proceeds, the contractor has moved for a temporary restraining order and preliminary injunction barring the agency from issuing a termination

for default while this case is pending. A response from the agency is not necessary. The Board lacks the authority to issue the requested order and injunction. *The Writing Co. v. Department of the Treasury*, GSBICA 15097-TD, 00-1 BCA ¶ 30,840, at 152,222-23 (not within power of board to grant injunctive relief and specific performance which appellant requested).

The Board **DENIES** the request for a temporary restraining order and a preliminary injunction. The underlying appeal shall proceed according to the established schedule.

Joseph A. Vergilio
JOSEPH A. VERGILIO
Board Judge

We concur:

Patricia J. Sheridan
PATRICIA J. SHERIDAN
Board Judge

Marian E. Sullivan
MARIAN E. SULLIVAN
Board Judge