

DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD

APPEAL OF:

VISTA CONTRACTING, INC.

Under Contract No. DCAM-2009-C-0003

)

)

)

CAB No. D-1375

ORDER EXTENDING TIME

Filing ID #48820587

On December 13, 2012, the Appellant filed its second consent motion to enlarge the deadline for the parties to file their Joint Pretrial Statement, and to continue the date for the parties to attend the prehearing conference and hearing in this matter. As the basis for this request, the Appellant states that the medical condition of its company owner which previously required him to be absent from work for an extended period of time has continued to impair the Appellant's ability to adequately prepare for the hearing in this matter that is presently scheduled for next month. Additionally, the Appellant asserts that the District has failed to respond to its discovery requests that were served by the Appellant in November 2010, which has also allegedly impacted its trial preparation efforts.

The Board grants the motion to extend the deadlines requested by the Appellant based upon the recent extended incapacity of the Appellant's owner to engage in the preparation of this matter for the hearing because of medical issues. The schedule in this matter, however, is amended as follows:

May 10, 2013

The parties shall file a joint pretrial statement which shall include: (a) stipulations of fact; (b) stipulations as to the admissibility of certain exhibits; (c) the parties' respective hearing witness lists, with each witness listed in the order of examination, and which shall also include a proffer of testimony for each witness to be provided at the hearing and the anticipated duration of their examination; and (d) the parties' respective exhibit lists, which shall identify the witness through which each exhibit will be introduced.

June 20, 2013

Prehearing Conference at the Board, beginning at 11:00 a.m.

July 22, 2013

Hearing on the merits of the claim in the Board courtroom at 10:00 a.m. daily to conclude no later than July 26, 2013.

Additionally, as it relates to discovery in this matter, the Board notes that the original June 15, 2011, scheduling order required that all discovery in this matter be completed by

February 28, 2012, including non-expert and expert discovery. In short, the discovery period in this matter is closed and, therefore, all discovery in this matter should have been previously completed by the parties. In this regard, the Board hereby orders that *any* required responses to discovery requests previously propounded by either party, that have not been responded to by either party, be responded to no later than February 4, 2013.¹ The Board also directs the parties to provide meaningful responses to any outstanding discovery requests that fully comply with the Rules of the Board by this deadline.

Lastly, the Board expects the parties' full compliance with these newly established deadlines in preparation for the hearing in this matter which the Board intends to conduct beginning on July 22, 2013. Accordingly, the Board will scrutinize any further requests for modifications to these dates given the imminency of the hearing date.²

SO ORDERED.

DATED: January 9, 2013

/s/ Monica C. Parchment
MONICA C. PARCHMENT
Administrative Judge

Electronic Service:

Thomas O. Mason, Esq.
Francis E. Purcell, Jr., Esq.
Williams Mullen
8270 Greensboro Drive, Suite 700
McLean, VA 22102

Carlos M. Sandoval, Esq.
Assistant Attorney General
Office of the Attorney General
441 4th Street, N.W., 6th Floor South
Washington, D.C. 20001

¹ The record reflects that the District also previously alleged that the Appellant had not timely responded to its discovery request as well. (District Mot. Summ. J. 4-5.)

² The Board denies the Appellant's motion to align the scheduling order in this case with the schedule in CAB case Nos. D-1388 and D-1398.