

DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD

APPEAL OF:

THE FRENCH INSTITUTE, INC.)	
)	CAB No. D-1460
Under 2009 Memorandum of Understanding)	

**ORDER ON APPELLEE'S MOTION TO DISMISS AND THE PARTIES' CONSENT
MOTIONS FOR A STAY, AND FOR A STATUS CONFERENCE**

Filing ID #55294139

Upon review of the Appellee's February 20, 2013, Motion to Dismiss, the parties September 13, 2013, Joint Motion for Stay, and the parties April 11, 2014, Consent Motion for Status Conference, the opposition thereto (where applicable) and the entire record herein, the Board hereby orders the following:

The Appellee's Motion to Dismiss is granted in part, and denied in part. The Appellee's motion is granted as to Appellant's complaint counts for negligent misrepresentation (Count IV), misrepresentation (Count V), unjust enrichment (Count VI), quantum meruit (Count VII), declaratory relief (Count VIII) and punitive damages. These claims are dismissed with prejudice. The Appellee's motion is denied as to Appellant's claims for, breach of contract: original agreement as modified (Count I), breach of implied-in-fact contract (Count II), and breach of contract (Count III).

The prehearing conference scheduled for Friday April 18, 2014, is cancelled. The current merits hearing date of July 15, 2014, shall remain valid and binding on the parties. The Board's previous Scheduling Order dated April 12, 2013, is hereby modified as follows:

The appellee shall submit the Appeal File no later than April 30, 2014.

The appellant shall submit the Appeal File Supplement no later than May 14, 2014.

No discovery shall be allowed by either party after June 13, 2014, and the parties are expressly directed to request only such discovery that is relevant and has not been provided through the Appeal File and Appeal File Supplement.

The parties shall file a Joint Pretrial Statement with the Board no later than June 30, 2014, including respective exhibit and final witness lists, statement of stipulated facts, and statement of stipulated costs (if any). The Board shall be given a tabbed, indexed single courtesy copy (3 ring binder) of all exhibits the parties plan to introduce as evidence at the trial hereof.

The parties shall appear before the Board on July 7, 2014 for a Pretrial Hearing herein at 10:30 a.m.

The parties are encouraged to pursue settlement in this matter. Early settlement conserves resources and avoids delays. The Board is available to assist with settlement efforts upon request.

All motions requesting an extension of a deadline, or continuance of a hearing or conference, shall be filed in accordance with D.C. Mun. Regs. tit. 27, §124. Such motions shall include proposed dates that are mutually agreeable to all counsel and/or unrepresented parties.

This Scheduling Order may be amended only by Board order upon motion properly filed and served.

SO ORDERED.

Date: April 14, 2014

/s/ Marc D. Loud, Sr.
MARC D. LOUD, SR.
Chief Administrative Judge

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