

## DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD

### APPEALS OF:

DYNAMIC CORPORATION	)	
	)	CAB Nos. D-1286, D-1297, D-1389
	)	(Consolidated)
Under Contract No. POKA-2002-B-0089-GP	)	

### STATUS CONFERENCE ORDER

*Filing ID 54399038*

The hearing in this matter was scheduled to begin on Wednesday, October 16, 2013. However, prior to this date, the parties filed an October 8, 2013, motion to continue the hearing proceedings in this matter to allow the parties the opportunity to continue to engage in settlement discussions to potentially resolve the matters involved in this dispute. (Consent Mot. Continue Hr'g 1.) Accordingly, the Board ordered the parties to appear before the Board for a status conference on October 16, 2013, to advise the Board as to the extent of these settlement discussions to allow the Board to determine whether a continuance of the hearing date was warranted. (Order Concerning Mot. Continue Merits Hr'g 1.) Pursuant to Board Rule 210.2, the Board hereby issues the following order outlining the matters which were discussed at the foregoing conference that took place:

- (1) The parties are ordered to meet at the Board's conference room on Tuesday, October 22, 2013 at 10:00 a.m. to further discuss the possibility of the settlement of this dispute. To facilitate meaningful discussions, counsel for the District shall appear at this October 22<sup>nd</sup> meeting with District employee, Mr. Ali Shakeri, who has extensive knowledge of the facts underlying this dispute, and counsel for the Appellant shall appear at the meeting with Mr. Ebenezer Adewunmi, President of Dynamic, who is also very familiar with this matter.

The Appellant has submitted a formal settlement demand/offer to the District in an effort to resolve this dispute which has not yet been formally responded to by the District. At this October 22<sup>nd</sup> meeting, the District shall be prepared to provide the Appellant with a formal response from the government to its outstanding settlement offer. The parties shall also otherwise discuss, in good faith, appropriate issues for possible resolution of this dispute including, for example, the change order issues which both parties acknowledged at the status conference were at issue in this dispute.<sup>1</sup>

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<sup>1</sup> Counsel for the Appellant also requested at this status conference that the District be willing to address issues concerning the contract balance for this project at the October 22<sup>nd</sup> conference.

- (2) The parties are ordered to file a Joint Settlement Status Report with the Board no later than October 31, 2013, to advise the Board of the status of settlement discussions at that time including, but not limited to, information as to whether any issues have been settled by the parties in principle, and whether these settlement discussions were productive and will be ongoing.
- (3) The parties shall appear before the Board on Friday, December 6, 2013, at 9:00 a.m. for a status conference to advise the Board as to any ongoing settlement discussions and/or to prepare the matter for an upcoming hearing on the merits in the event that the matter cannot be settled by the parties.
- (4) The hearing on the merits in this case, previously scheduled for October 16-21, 2013, and November 20-21, 2013, is hereby continued based on the good faith representations by both parties that there is an interest in continuing to conduct meaningful settlement discussions for purposes of possibly resolving the present dispute. Therefore, the rescheduled date for the hearing on the merits in this matter, should settlement not occur, shall be on January 27, 2014, and will continue through February 7, 2014 beginning each day at 9:00 a.m. and ending each hearing day at 4:30 p.m.

**SO ORDERED.**

Date: October 17, 2013

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

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