

## DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD

APPEAL OF:

DYNAMIC CORPORATION

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CAB No. D-1365

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Under Contract No. POFB -2005-B-0016EW

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### ORDER ON MOTION TO EXTEND

*Filing ID 49923445*

Before the Board is the District's motion to extend the hearing schedule in this matter. By way of background, the hearing on the merits in the instant appeal was originally scheduled for January 28 through January 30, 2013, with a prehearing conference scheduled for December 17, 2012. (Scheduling Order.) Given the impending departure of the District's counsel of record in this matter in late December 2012, the Board converted the scheduled December 17, 2012, prehearing conference into a status conference and continued the hearing on the merits until May 15 through May 17, 2013. (Status Conference Order.) The Board also ordered the parties to file a revised Joint Pretrial Statement by March 1, 2013, and scheduled a prehearing conference for April 1, 2013. (*Id.*) Further, during the status conference, the Board directed the parties to meet further to discuss possible settlement of this matter.<sup>1</sup>

On February 28, 2013, the District filed a notice of substitution of counsel and a motion to extend the hearing schedule established by the Board's Status Conference Order. The District requests that (1) the deadline to file a revised Joint Pretrial Statement be extended through April 15, 2013; (2) that the prehearing conference be moved to May 1, 2013; and (3) that the hearing be continued until June 3, 2013. (Dist. Mot. to Extend 2.) The District asserts that its new counsel requires additional time to investigate the allegations in this appeal and prepare this matter for trial. (*Id.*) Appellant filed an opposition to the District's motion on the same day. Appellant argues that the District's recent substitution of counsel is not good cause to extend the hearing schedule in this matter, particularly because the Board has previously continued the hearing in this matter to allow the District's new counsel time to review the case. (Appellant's Opp'n 4.)

While the Board acknowledges that the District has had to undertake the process of transitioning this matter to a new attorney for the District, this factor alone is not an automatic basis for granting repeated hearing continuances in this appeal. Board Rule 124.3. The District requested, and was aware of, the revised hearing schedule in this matter since December 17, 2012. Accordingly, on December 19, 2012, the Board issued its Status Conference Order precisely to allow additional time for the District's new counsel to prepare for the prehearing and hearing activities in this matter.

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<sup>1</sup> The Appellant asserts that these additional settlement discussions never occurred despite its repeated attempts to contact the District and discuss the possibility of settlement of this matter. (Appellant's Opp'n 2.)

Based upon these factors, the Board hereby grants in part and denies in part the District's motion. The parties shall file a revised Joint Pretrial Statement, in accordance with the Board's Status Conference Order, no later than March 26, 2013. The prehearing conference in this case is continued until April 11, 2013, at 11:00 a.m. The hearing on the merits in this matter shall remain scheduled for May 15 through May 17, 2013.

**SO ORDERED.**

Date: March 5, 2013

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

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