

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
CONTRACT APPEALS BOARD**

APPEAL OF:

KEYSTONE PLUS CONSTRUCTION CORP.	)	
	)	CAB Nos. D-1410, D-1414
	)	
Under Contract No. POAM-2005-C-0027-DW	)	

**PREHEARING ORDER**

Filing ID #53272706

The parties appeared before the Board for a prehearing conference on July 16, 2013. Pursuant to Board Rule 210.2, the Board issues the following Prehearing Order which outlines the matters which were the subject of this conference:

- (1) The Board denied the District's May 16, 2013, motion to amend the scheduling order in this matter.
- (2) During the prehearing conference, the District provided the Appellant with a list of 13 separate requests for information which the District represented would, upon response by the Appellant, resolve the issues which it raised in its May 16, 2013, Motion to Compel. The Appellant shall provide responses to the District's 13 requests for information no later than **July 26, 2013**. The Board defers ruling upon the Motion to Compel as it will effectively be rendered moot upon the Appellant's responses to the District's 13 requests for information.
- (3) On March 12, 2013, the Appellant served a notice of deposition upon the District for the District's designated representative to provide testimony related to the matters alleged in the complaint. The District shall produce its designated representative to the Appellant for deposition no later than **August 9, 2013**.
- (4) At the prehearing conference, the District requested that the Board allow it to name an additional expert to prepare a report on the issue of the damages claimed by the Appellant in this action, and the impact of the dismissal in this case of the claim of the subcontractor, Revis Engineering, on the Appellant's overall claim for damages. The Board grants this request. The Appellant shall also be permitted to have its designated expert in this matter, that previously submitted an expert report, submit a supplemental expert report on the issue of the damages claimed by the Appellant in this matter. The parties shall disclose their respective expert reports on the issue of damages no later than **August 9, 2013**. Additionally, the parties shall conduct expert depositions of the other party's designated damages expert during the week of **August 12, 2013**. Each party shall reasonably make their respective damages expert available for deposition testimony during the week of August 12, 2013.

- (5) The parties are ordered to meet and confer and file a Joint Pretrial Statement with the Board no later than **August 30, 2013**. The Joint Pretrial Statement should include: (a) a statement of the case for each party, including the factual basis for all amounts being claimed by either party; (b) a statement of the legal issues involved in each party's case; (c) the claims and defenses of each party; (d) meaningful stipulations of fact; (e) stipulations as to the admissibility of certain exhibits; (f) the parties' respective hearing witness lists, with each witness listed in the order of examination, and which shall include a proffer of testimony for each witness to be provided at the hearing and the anticipated duration of their examination; and (g) the parties' respective exhibit lists, which shall identify the witness through which each exhibit will be introduced.
- (6) This matter is set for a hearing on the merits on **September 16, 2013** through **September 27, 2013**. The hearing shall begin promptly at 10:00 a.m. each day, and shall continue until 4:30 p.m. The District is directed to provide a court reporter for the duration of the hearing and shall ensure that the Board receives a hard and/or electronic copy of the transcript of these proceedings contemporaneous with the District's receipt of the same.
- (7) Each party shall bring at least two indexed exhibit binders to the hearing which shall include all exhibits that the party intends to introduce at the hearing. Each exhibit shall be pre-marked with Bates numbering, and shall be numbered sequentially in the approximate order that the party intends to introduce the exhibit at the hearing. In addition, the parties shall exchange exhibit binders with each other no later than **September 10, 2013**.
- (8) The Board advises the parties, again, that given the impending hearing on the merits scheduled in this case, the Board will not extend the dates set forth in this order which were established at the prehearing conference.
- (9) The parties have indicated a desire to use the Board's courtroom technology for the display of evidence to facilitate the hearing and will coordinate with the Board's clerk to utilize these features. The Board may also direct the use of court provided technology to facilitate better hearing management at its discretion.

**SO ORDERED.**

Date: July 17, 2013

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

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