

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

DISMISSED: March 7, 2002

GSBCA 14705

SPRINT COMMUNICATIONS COMPANY, L.P.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

David S. Cohen and John J. O'Brien of Cohen Mohr, Washington, DC; and George J. Affe and Anthony L. Cogswell of Sprint Communications Company, L.P., Herndon, VA, counsel for Appellant.

John E. Cornell, Michael J. Ettner, and Michael D. Tully, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

NEILL, Board Judge.

ORDER

By order dated January 28, 2000, the Board stayed further proceedings in this case pending its decision on a pending motion for summary relief, on the issue of entitlement, filed by appellant in a related case, GSBCA 15139. The Board granted that motion for summary relief on April 26, 2000. Sprint Communications Co., L. P. v. General Services Administration, GSBCA 15139, 00-1 BCA ¶ 30,909, reconsideration denied, 00-1 BCA ¶ 30,998. On May 17, 2001, we issued our decision on the quantum issue of that same case. Sprint Communications Co., L. P. v. General Services Administration, GSBCA 15139, 01-2 BCA ¶ 31,464.

The Government appealed our decisions rendered in GSBCA 15139 to the Court of Appeals for the Federal Circuit. On December 14, 2001, however, the Court of Appeals dismissed the appeal pursuant to Federal Rule of Appellate Procedure 42. Perry v. Sprint Communications Company L.P., No. 01-1618 (Fed. Cir. Dec. 14, 2001).

By order dated January 29, 2002, the Board advised the parties that it planned to dismiss GSBCA 14705 since its decisions in the related case, GSBCA 15139, were now final in view of the Court of Appeals' decision. The parties were given the opportunity to object to this proposed course of action if they wished. Counsel have since advised the Board that they have no objection to the proposed dismissal. Accordingly, this case is dismissed with prejudice.

EDWIN B. NEILL
Board Judge