

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

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DISMISSED WITHOUT PREJUDICE: March 25, 2003

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GSBCA 16091

XEROX CAPITAL SERVICES, LLC,  
Appellant,

v.

GENERAL SERVICES ADMINISTRATION,  
Respondent.

Richard D. Lieberman and Karen R. O'Brien of McCarthy, Sweeney & Harkaway, P.C., Washington, DC, counsel for Appellant.

Michael D. Tully, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

NEILL, Board Judge.

ORDER

Counsel for appellant has moved to dismiss this case without prejudice pursuant to Board Rule 128(b).

Counsel for respondent does not oppose the motion. Further, in a brief telephonic conference with the Board and opposing counsel on this same date, counsel for appellant has confirmed that he is well aware, pursuant to the aforesaid rule, that this dismissal will be deemed to be with prejudice as of the expiration of 180 calendar days from the date of this dismissal.

Accordingly, appellant's motion is granted. This case is **DISMISSED WITHOUT PREJUDICE**.

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EDWIN B. NEILL

Board Judge