

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

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GRANTED IN PART: January 5, 2005

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GSBCA 16341

THE SMITH & OBY COMPANY,  
Appellant,

v.

GENERAL SERVICES ADMINISTRATION,  
Respondent.

Jeffrey R. Appelbaum, Daniel M. Haymond, and John D. Myer of Thompson Hine LLP, Cleveland, OH, counsel for Appellant.

Jeremy Becker-Welts, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **NEILL**, **PARKER**, and **HYATT**.

**NEILL**, Board Judge.

This case concerns a claim for equitable adjustment brought by the Smith & Oby Company (Smith & Oby) in conjunction with work it performed for the General Services Administration (GSA) under contract number GS-05P-99-GBC-0025. The contract is for new construction of the United States Courthouse in Cleveland, Ohio. The claim of Smith & Oby is for \$2,709,631 plus additional interest accruing from the date of claim submission.

Counsel for the parties have now filed with the Board a joint motion for entry of judgment. In this submission, counsel advise the Board that, to end this litigation, GSA has agreed to pay, and Smith & Oby has agreed to accept, the sum of \$550,000, inclusive of statutory interest and attorney fees, as full settlement of the disputed items. Both parties represent and stipulate that they will not seek reconsideration of, or relief from, the Board's decision and that they will not appeal the Board's decision.

Pursuant to the agreement of the parties and Board Rule 136(e) (48 CFR 6101.36(e) (2003)), the Board adopts the parties' stipulation by decision. This appeal is **GRANTED IN PART** in the amount of \$550,000.

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EDWIN B. NEILL  
Board Judge

We concur:

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ROBERT W. PARKER  
Board Judge

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CATHERINE B. HYATT  
Board Judge