

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

DISMISSED WITH PREJUDICE: February 4, 2004

GSBCA 16257-ST

RATHE PRODUCTIONS, INC.,

Appellant,

v.

DEPARTMENT OF STATE,

Respondent.

Edward J. Tolchin of Fettmann, Tolchin & Majors, Fairfax, VA, counsel for Appellant.

Dennis J. Gallagher and Luisa M. Alvarez, Office of the Legal Adviser, Department of State, Rosslyn, VA, counsel for Respondent.

NEILL, Board Judge.

ORDER

This case involves an appeal by Rathe Productions, Inc. (Rathe) from the deemed denial of two claims. The first claim, in the total amount of \$481,422, is for the final two payments said to be due pursuant to a memorandum of understanding (MOU) entered into with the United States Information Agency. As a result of subsequent organizational changes, the MOU became the responsibility of the Department of State. Rathe's second claim is for \$123,427.03. This amount is said to represent funds which are the property of Rathe and were generated by the claimant through its work at EXPO'98. The Government allegedly has refused to make the funds available to Rathe.

In mid-October 2003, in response to a Board order inquiring as to the status of this case, counsel for Rathe filed a report on behalf of the parties. The report stated that the claims had been resolved in principle. Counsel has since advised the Board that the settlement has been finalized and that the appeal may now be dismissed with prejudice.

Accordingly, this case is **DISMISSED WITH PREJUDICE**.

EDWIN B. NEILL
Board Judge