



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED WITH PREJUDICE: May 7, 2009

CBCA 1051

AVINO CONSTRUCTION, INC.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Kevin M. Cox of Camardo Law Firm, P.C., Auburn, NY, counsel for Appellant.

Mark R. Simpson, Office of the General Counsel, Department of Agriculture, Atlanta, GA, counsel for Respondent.

**DRUMMOND**, Board Judge.

ORDER

Appellant, on May 5, 2009, filed a request to withdraw the subject appeal, stating that the settlement agreement between the parties has been fully performed.

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

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JEROME M. DRUMMOND  
Board Judge