



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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DISMISSED WITH PREJUDICE: May 29, 2009

CBCA 97

WHEELER LOGGING, INC.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Alan I. Saltman and Eric S. Pohlner of Saltman & Stevens, P.C., Washington, DC, counsel for Appellant.

James L. Rosen, Office of the General Counsel, Department of Agriculture, San Francisco, CA, counsel for Respondent.

**STERN**, Board Judge.

ORDER

This appeal was brought by Wheeler Logging, Inc. (Wheeler) from the denial by a contracting officer of the Department of Agriculture (USDA) of Wheeler's claim for damages arising out of the USDA's alleged breach of its timber sale contract with Wheeler. The appeal

was filed on November 9, 2004.<sup>1</sup> During the course of lengthy pretrial proceedings the Board dismissed a portion of Wheeler's claim.<sup>2</sup>

Wheeler has moved to dismiss the appeal based upon a settlement agreement resolving all remaining issues. In accordance with that agreement, the appeal is hereby **DISMISSED WITH PREJUDICE**.

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JAMES L. STERN  
Board Judge

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<sup>1</sup> The appeal was brought before the Department of Agriculture Board of Contract Appeals (AGBCA). Pursuant to statute, all the cases pending before the AGBCA were transferred to the Civilian Board of Contract Appeals on January 6, 2007. Pub. L. No. 109-163, § 847, 119 Stat. 3136 (2006).

<sup>2</sup> *Wheeler Logging, Inc. v. Department of Agriculture*, CBCA 97, 08-2 BCA ¶ 33,984, *motion for reconsideration denied*, 09-1 BCA ¶ 34,025 (2008), *motion for full board consideration denied* (Jan. 29, 2009).