

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
CONTRACT APPEALS BOARD

APPEALS OF:

SCHOOL FOR CONTEMPORARY EDUCATION	)	CAB No. D-913
THE IVYMOUNT SCHOOL, INC.	)	CAB NO. D-916
THE LAB SCHOOL OF WASHINGTON	)	CAB No. D-918
ACCOTINK ACADEMY, INC.	)	CAB No. D-919
FOR LOVE OF CHILDREN	)	CAB No. D-920
ST. COLETTA SCHOOL	)	CAB No. D-921
	)	(Consolidated)
Under Contract Nos. C10045, C10028,	)	
C10029, C10042, C10039, C10038	)	

ORDER

Notice of Appeal in CAB No. D-918 was filed on May 22, 1992, and the District's answer was filed on July 9, 1992.<sup>1/</sup> A line of dismissal was filed by the Lab School of Washington on December 28, 1992. The District's response thereto was filed on December 31, 1992, and in it the District states that while it has no objection to the dismissal, the dismissal should be with prejudice.

Pursuant to Board Rule 121.1, an appellant is entitled by right to a voluntary dismissal or dismissal without prejudice only where an answer has not been filed or where there is a joint stipulation signed by each party. 36 DCR 2697. In the instant appeal, the answer has been filed and the defendant opposes dismissal without prejudice. Under these circumstances, the Board must approve the dismissal, ". . . upon terms and conditions as it deems proper." Board Rule 121.2, 36 DCR 2697. Taking into account the procedural posture of this case and the District's opposition to dismissal without prejudice, the Board finds it appropriate that the case be **DISMISSED**, with prejudice.

So **ORDERED**.

DATE: January 5, 1993

  
ZOE BUSH  
Chief Administrative Judge

Copies to: John H. Schafer, Esquire  
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<sup>1/</sup>The above-captioned cases were consolidated by the Board by Order dated August 13, 1992.

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