

U.S. Department of Labor

Board of Contract Appeals
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Date: DEC 18, 1996

Case Nos.: 93-BCA-13
94-BCA-2

Appeal of

Operative Plasters & Cement Masons
International Association

Contract Nos.: 99-6-0380-35-035-01
99-9-0380-35-068-01

ORDER DENYING MOTIONS

Upon consideration of Appellant's Motion for Cease and Desist Order filed December 3, 1996, the opposition filed by the Contracting Officer, and the premises advanced by evidentiary proffer, oral argument, and affidavits, by the parties at the hearing commenced at 10:30 a.m. on December 17, 1996, at which Appellants were represented by Philip J. Davis, Esquire, and Mark Mark H. Neblett, Esquire, and the Respondent Contracting Officer by Frank P. Buckley, Esquire, and Harry L. Sheinfeld, Esquire, and upon consideration of the Contracting Officer's motion for a protective order relating to access to potential witnesses who are Department of Labor Employees, it is

ORDERED that the Appellant's Motion for Cease and Desist Order be denied, and that the Contracting Officer's motion for protective order be denied. It is further

ORDERED that a prehearing conference by telephone be scheduled at 10:30 a.m. on Monday, February 10, 1997, to discuss what issues might be settled by summary judgment, and to schedule a date for hearing on the merits of the appeal.

Edward Terhune Miller
Administrative Law Judge

Washington, D.C.