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XEROX CORPORATION

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

MAY 06 2011

TRF 3/83 BY: MVR
FILE NO. OPA-PA 11-002

IN THE OFFICE OF PUBLIC ACCOUNTABILITY

PROCUREMENT PETITION

IN THE PETITION OF

TOWNHOUSE DEPARTMENT STORES,
INC. dba ISLAND BUSINESS SYSTEMS &
SUPPLIES,

Appellant.

DOCKET NO. OPA-PA-11-002

**INTERESTED PARTY XEROX
CORPORATION'S RESPONSE TO
DOE'S MOTION TO DISMISS APPEAL**

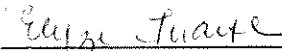
At the April 27, 2011 hearing on its Motion to Dismiss, Xerox Corporation stated that it took no position on DOE's request that the present OPA action be stayed pending the disposition of the Superior Court action, *Town House Dept. Stores, Inc. dba Island Business Systems & Supplies v. Dept. of Educ. et al.*, Superior Court of Guam Civil Case No. 1536-10. Xerox confirms by this Response that it is not a party to the Superior Court case, and has no information on whether or not the matter overlaps with the issues in this administrative proceeding. Xerox therefore takes no position on DOE's Motion to Dismiss.

Xerox notes, however, that if there have been discovery conducted and depositions taken in the Superior Court case pertaining to IFB 022-2010, then those discovery items must be

included in the procurement record in this matter, and DOE should be required to produce those items here.

DATED: May 4, 2011

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