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**UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS**

ORDER: January 11, 2008

CBCA 190-ISDA, 289-ISDA, 290-ISDA, 291-ISDA, 292-ISDA,
293-ISDA, 294-ISDA, 295-ISDA

ARCTIC SLOPE NATIVE ASSOCIATION, LTD.,

Appellant,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Respondent.

Lloyd Benton Miller of Sonosky Chambers Sacshe Miller & Munson, LLP,
Anchorage, AK, counsel for Appellant.

Sean Dooley, Office of the General Counsel, Department of Health and Human
Services, Rockville, MD, counsel for Respondent.

STEEL, Board Judge.

ORDER

There are motions for summary relief and to dismiss pending in the above-captioned appeals. After discussion with the assigned panel judges, it is my intention to take the motions under advisement, and instead decide the motions as though they were motions in limine on the following two issues:

1) **Timeliness:** Were claims for the early years barred by laches and were the claim filing requirements of the CDA tolled by legal or equitable tolling such that the claims filed with the contracting officer were timely?

2) **Congressional Caps:** What is the effect of Congressional "caps" on appropriations in fiscal years 1998-2000?

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294-ISDA, 295-ISDA

This should pave the way for the parties to consider settlement of these and the other similar pending cases. The parties have thoroughly briefed the issues embodied in these two questions. However, if there is additional information you wish to submit, or arguments you wish to make, for the purpose of motions in limine, you may do so on or before February 1, 2008.



CANDIDA S. STEEL

Board Judge

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CIVILIAN BOARD OF CONTRACT APPEALS**

**ACKNOWLEDGMENT OF RECEIPT OF INFORMATION
FACSIMILE TRANSMITTAL SHEET**

DATE: January 11, 2008

FROM: Judge Steel 202-606-8817

CBCA: Artice Slope Native Association, LTD v. Indian Health Service

SUBJECT: Order

TO: [APPELLANT]
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SIGNATURE OF RECEIVING OFFICIAL DATE

TOTAL PAGES TRANSMITTED: 3
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