

**CIVILIAN BOARD OF CONTRACT APPEALS**

ARCTIC SLOPE NATIVE ASSOCIATION,	)	
LTD.,	)	
	)	
Appellant,	)	
	)	
vs.	)	CBCA 190-ISDA and 289-ISDA
	)	through 297-ISDA
MICHAEL O. LEAVITT, SECRETARY	)	
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	

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**APPELLANT’S NOTICE OF WITHDRAWAL OF MOTION  
THAT THE BOARD TAKE JUDICIAL NOTICE**

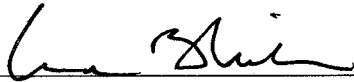
Appellant Arctic Slope Native Association hereby withdraws its pending Motion that the Board take Judicial Notice of IHS’s statement made in *Fort Mojave v. Leavitt*, CBCA 547-ISDA, on the ground that the motion has become moot.

ASNA had asked that the Board take judicial notice of IHS’s discussion in *Fort Mojave* that a stated amount of CSCs in a contract cannot cut off a Tribal contractor’s right to be paid its full CSC requirement, a discussion which was in direct conflict with the contrary legal position taken by IHS in this appeal. Since then, however, Judge Fennessy has entered an Order effectively permitting IHS to change its legal position in *Fort Mojave* to remove the inconsistency. *See Fort Mojave*, Order of April 15, 2008.

Although IHS’s original filing in *Fort Mojave* still is a matter of record, its substitute statement of position eliminates the basis for ASNA’s motion.

Respectfully submitted this 18th day of April 2008.

SONOSKY, CHAMBERS, SACHSE,  
MILLER & MUNSON, LLP

By:   
Lloyd B. Miller  
D.C. Bar No. 317131  
AK Bar No. 7906040

900 West Fifth Avenue, Suite 700  
Anchorage, Alaska 99501-2029  
Telephone: 907-258-6377  
Facsimile: 907-272-8332

SONOSKY, CHAMBERS, SACHSE,  
ENDRESON & PERRY, LLP

Donald J. Simon  
D.C. Bar No. 256388  
Arthur Lazarus, Jr.  
D.C. Bar No. 7682

1425 K Street, N.W., Suite 600  
Washington, D.C. 20005  
Telephone: 202-682-0240  
Facsimile: 202-682-0249

CERTIFICATE OF SERVICE

I hereby certify that I mailed, or caused to be mailed, a true and correct copy of the foregoing document by electronic mail and first class mail to the following parties of record this 18th day of April 2008:

Sean Dooley  
Senior Attorney, Public Health  
Division  
Office of the General Counsel  
Room 4A-37 Parklawn Building  
5600 Fishers Lane  
Rockville, Maryland 20857



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Elizabeth E. Tempel