

CIVILIAN BOARD OF CONTRACT APPEALS

1800 F Street, NW
Washington, DC 20405

COUNCIL OF ATHABASCAN)
 TRIBAL GOVERNMENTS,)
)
 Appellant,)
)
 v.)
)
 INDIAN HEALTH SERVICE, Dr. Charles)
 W. Grim, Director,)
)
 Appellee.)

IBCA 4857-2006
through
IBCA 4861-2006

CIVILIAN BOARD OF
CONTRACT APPEALS

2007 JAN 17 P 4: 16

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Appellant's Unopposed Motion to Stay Proceedings

Appellant Council of Athabascan Tribal Governments, by and through undersigned counsel, hereby moves to stay all proceedings in this appeal. In support of this Motion, Appellant shows as follows:

1. In this appeal Appellant has asserted that the Appellee Indian Health Service (IHS) is liable for money damages due to the non-payment of certain "contract support costs" for contracts entered into under the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450 *et seq.*, between the IHS and the Appellant. In its Answer, Appellee contends that several of Appellant's claims are barred by the six year presentment period set forth in 41 USC 605(a).

2. Similar legal issues are a part of several other appeals pending before the Civilian Board of Contract Appeals (CBCA), including *Metlakatla Indian Community v. IHS, IBCA 4767-2006 through 4772-2006* and *Confederated Tribes of the Coos, Lower*

Umpqua and Siuslaw Indians v. IHS, IBCA 4724-2005 through 4727-2005. The parties in the *Metlakatla* and *Coos* appeals are scheduled to conclude briefing within the upcoming weeks, and oral arguments are scheduled for February 6, 2007 and March 15, 2007, respectively. The parties expect that a decision will be issued by the CBCA shortly thereafter. The disposition of these two motions will in all likelihood assist the parties in evaluating how they wish to proceed with this appeal.

3. Given the pendency of the two motions to dismiss filed by Appellee in the *Metlakatla* and *Coos* cases, among others, the parties agree that the most efficient course of action is to stay this appeal until May 31, 2007, reserving to either party the right to request that the stay be lifted prior thereto for good cause shown.

4. The Tribe's Counsel has reviewed this Motion with opposing counsel and is authorized to state that the Appellee concurs in the CBCA granting a stay in this action.

For the foregoing reasons, the Council of Athabascan Tribal Governments respectfully requests that this Motion to Stay be granted.

Respectfully submitted,

By: 

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