

CIVILIAN BOARD OF CONTRACT APPEALS

CHOCTAW NATION OF OKLAHOMA)
)
Appellant,)
vs.)
)
MICHAEL O. LEAVITT, SECRETARY)
U.S. DEPARTMENT OF HEALTH AND)
HUMAN SERVICES, *et al.*)
)
Appellees.)
_____)

IBCA Nos. 4847 through 4855-2006

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CIVILIAN BOARD OF
CONTRACT APPEALS

**PARTIES' JOINT MOTION TO
EXTEND SUSPENSION OF PROCEEDINGS TO JULY 31, 2007**

Appellant Choctaw Nation, and Appellees Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services; Charles Grim, Director, Indian Health Service; and the United States of America, by their undersigned counsel, move to extend the stay of all proceedings in this appeal from May 31, 2007 until July 31, 2007. In support of this motion, the parties show as follows:

1. On March 13, 2007, this Board granted the parties' joint motion to suspend proceedings until May 31, 2007.
2. In part, the motion was granted to permit resolution of similar legal issues that are a part of several other appeals pending before the Civilian Board of Contract Appeals ("CBCA"), including Arctic Slope Native Association, Ltd. v. Leavitt, et al., IBCA Nos. 4794-2006 through 4803-2006 ("ASNA"), Metlakatla Indian Community v. IHS, CBCA Nos. 181-ISDA, 279-ISDA through 282-ISDA ("Metlakatla"), and Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians v. IHS, IBCA Nos. 4724-2005 through 4727-2005 ("Coos"). Oral argument in ASNA took place on February 28, 2007, and oral argument in the Metlakatla and Coos appeals took place on March 15, 2007 and March 22, 2007, respectively. The disposition of the motions in these

cases will assist the parties in addressing similar legal issues arising in this appeal.

3. Given the proceedings in the above-referenced cases, the parties agree that the most efficient course of action is to extend the stay of this appeal from May 31, 2007 until July 31, 2007, reserving to either party the right to request that the stay be lifted prior thereto for good cause shown.

4. The parties agree that this Joint Motion to Extend Suspension of Proceedings does not prejudice either party from filing dispositive motions in the future. Furthermore, the parties agree that Appellee may supplement its Appeal File during the pendency of this suspension without causing the suspension to be lifted.


For the foregoing reasons, the parties respectfully request that this Motion to Extend Suspension of Proceedings be granted.

Respectfully submitted this 25th day of May, 2007.

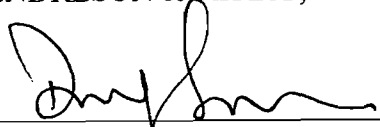
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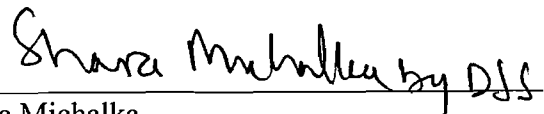
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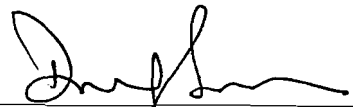
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CERTIFICATE OF SERVICE

I hereby certify that I emailed and mailed by first-class mail, postage prepaid, a true and correct copy of the foregoing document to the following attorney of record this 25th day of May, 2007:

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**ORDER GRANTING JOINT MOTION TO EXTEND SUSPENSION OF
PROCEEDINGS TO JULY 31, 2007**

The parties' Joint Motion to Extend Suspension of Proceedings to July 31, 2007 is hereby GRANTED. The appeal is suspended until July 31, 2007, and either party may move that the suspension be lifted prior thereto for good cause shown.

In addition, this suspension does not prejudice either party from filing dispositive motions in the future, and Appellee may supplement its Appeal File during the pendency of this suspension without causing the suspension to be lifted.

SO ORDERED this ____ day of _____, 2007.

Candida Steel
Administrative Judge