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CIVILIAN BOARD OF
CONTRACT APPEALS

Attorneys for Contractor/Appellant

CIVILIAN BOARD OF CONTRACT APPEALS

CHOCTAW NATION OF OKLAHOMA)
Drawer 1210)
Durant, Oklahoma 74702-1210)
)
Appellant,)
vs.)
)
MICHAEL O. LEAVITT, SECRETARY,)
U.S. DEPARTMENT OF HEALTH AND)
HUMAN SERVICES; CHARLES GRIM,)
ACTING DIRECTOR, INDIAN HEALTH)
SERVICE; UNITED STATES OF)
AMERICA)
)
Respondents.)

CBCA Nos. _____ through _____
Compact No. 60G950037

**UNOPPOSED MOTION TO CONSOLIDATE PURSUANT TO
CBCA RULE OF PROCEDURE 2(d)**

Choctaw Nation of Oklahoma ("Choctaw Nation"), by and through counsel, the law firm of Sonosky, Chambers, Sachse, Endreson & Perry, LLP, respectfully moves this Board pursuant to CBCA Rule of Procedure 2(d) for an order consolidating this appeal and the appeal filed September 27, 2006, captioned *Choctaw Nation of Oklahoma v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, Case No. CBCA 198-ISDA, 329-ISDA through 336-ISDA.

On September 27, 2006, the Choctaw Nation filed a Notice of Appeal from the denial of its Fiscal Year 1997 through Fiscal Year 2005 claims for contract support cost damages made under the Contract Disputes Act (41 U.S.C. §§ 601-612) ("CDA") and the Indian Self-Determination and Education Assistance Act (25 U.S.C. §§ 450-458aaa-18) ("ISDA"). The Notice of Appeal was docketed and subsequently assigned case numbers CBCA 198-ISDA, 329-ISDA through 336-ISDA.

On or about July 19, 2007, the Choctaw Nation received letters from Charles W. Grim, D.D.S., Acting Director of the Indian Health Service, denying claims made by the Choctaw Nation for contract support cost damages for the nine-month period starting January 1, 1995, and for all of Fiscal Year 1996. Filed contemporaneously with this Motion is a Protective Notice of Appeal from the denial of said claims. These claims are appealed to the Board pursuant to the Contract Disputes Act (41 U.S.C. §§ 601-612) ("CDA") and the Indian Self-Determination and Education Assistance Act (25 U.S.C. §§ 450-458aaa-18) ("ISDA").

The issues in the appeal being filed simultaneously with this Motion and the issues in the Notice of Appeal filed on September 27, 2006, are the same. It would be in the best interest of the Board and the parties therefore to consolidate these two appeals so that all the Appellant's claims can be considered together in a single proceeding.

Appellant's counsel has conferred with Respondents' counsel and is authorized to state that Respondents do not oppose this Motion.

Wherefore, the Choctaw Nation respectfully requests that the Board consolidate the Appeal filed today with that certain matter captioned *Choctaw Nation of Oklahoma v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, Case No. CBCA 198-ISDA,

329-ISDA through 336-ISDA, for all further proceedings, including any hearings or trial that may become necessary.

Respectfully submitted this 21st day of August 2007.

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CERTIFICATE OF SERVICE

I hereby certify that I mailed, or caused to be mailed, a true and correct copy of the foregoing **MOTION TO CONSOLIDATE PURSUANT TO CBCA RULE OF PROCEDURE 2(d)** by certified mail, return receipt requested, to the following parties of record this 21st day of August 2007:

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