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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; ROBERT G.)
 McSWAIN, ACTING DIRECTOR, INDIAN)
 HEALTH SERVICE; UNITED STATES OF)
 AMERICA,)
)
 Respondents.)
)

CBCA Nos. _____ through _____
 Contract No. 246-94-0018 (FY 1994)

**UNOPPOSED MOTION TO CONSOLIDATE
 PURSUANT TO CIVILIAN BOARD OF CONTRACT APPEALS
 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 for an order consolidating this appeal and the appeals filed (1) 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 and (2) August 21, 2007, captioned *Choctaw Nation of Oklahoma v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, Case No. CBCA 881-ISDA through 882-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 August 21, 2007, the Choctaw Nation filed a Notice of Appeal from the denial of its Fiscal Year 1995 and FY 1996 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 881-ISDA through 882-ISDA. By Order dated September 11, 2007, this appeal was consolidated with case numbers CBCA 198-ISDA and 329-ISDA through 336-ISDA.

On or about October 29, 2007, the Choctaw Nation received a letter decision from Ronda M. Longbrake, Senior Contracting Officer, Oklahoma City Area Indian Health Service, denying a claim made by the Choctaw Nation for contract support cost damages for Fiscal Year 1994. 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 Notices of Appeal filed September 27, 2006 and August 21, 2007, are the same. It would be in the best interest of the Board and the parties therefore to consolidate these three 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 the previously consolidated appeals captioned *Choctaw Nation of Oklahoma v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, Case Nos. CBCA 198-ISDA, 329-ISDA through 336-ISDA, and *Choctaw Nation of Oklahoma v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, Case Nos. CBCA 881-ISDA through 882-ISDA, for all further proceedings, including any hearings or trial that may become necessary.

Respectfully submitted this 8th day of January 2008.

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| |) | |
| Respondents. |) | |
| |) | |

**ORDER GRANTING UNOPPOSED MOTION
 TO CONSOLIDATE PURSUANT TO
 CIVILIAN BOARD OF CONTRACT APPEALS
 RULE OF PROCEDURE 2(d)**

The Board, having considered the Choctaw Nation's Unopposed Motion to Consolidate, and being fully advised in the premises,

IT IS HEREBY ORDERED that this appeal shall be consolidated with Case No. CBCA 198-ISDA, 329-ISDA through CBCA 336-ISDA and Case No. CBCA 881-ISDA through 882-ISDA for all further proceedings.

SO ORDERED this _____ day of _____ 2008.

JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I mailed, or caused to be mailed, a true and correct copy of the foregoing **UNOPPOSED MOTION TO CONSOLIDATE PURSUANT TO CIVILIAN BOARD OF CONTRACT APPEALS RULE OF PROCEDURE 2(d)** by certified mail, return receipt requested, to the following parties of record this 8th day of January 2008:

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