



**UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS**

ORDER ON FURTHER PROCEEDINGS: January 23, 2008

CBCA 1029-ISDA

CHOCTAW NATION OF OKLAHOMA,

Appellant,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Respondent.

Lloyd Benton Miller of Sonosky Chambers Sacshe Miller & Munson, LLP, Anchorage, AK, counsel for Appellant.

Donald J. Simon of Sonosky Chambers Sasche Endreson & Perry, LLP, Washington, DC, counsel for Appellant.

Barbara Hudson, Office of the General Counsel, Department of Health and Human Services, Rockville, MD, counsel for Respondent.

STEEL, Board Judge.

ORDER

On January 9, 2008, the Board docketed the appeals of Choctaw Nation of Oklahoma. Counsel for the parties are agreed that the case may be placed in suspension until 30 days after decisions are issued on the Motions pending in *Arctic Slope Native Association*, CBCA 190-ISDA and 289-ISDA through 297-ISDA (IBCA 4794-4803-2006), and/or *Metlakatla Indian Community*, CBCA 181, and 279-282-ISDA (IBCA 4857- 4861/2006), and *Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians*, CBCA 171 and 235-

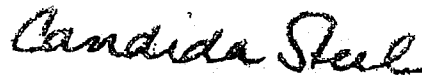
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237-ISDA (IBCA 4724-4727/2005). Those cases have similar legal issues, and motions to dismiss and for summary affirmance are pending in those cases. Accordingly, it is hereby **ORDERED**:

The cases are placed in suspense until 30 days after decisions are reached in those cases. Counsel for the respondent has indicated that she will be filing the Rule 4 Appeal file in the next couple of weeks. However, if she and counsel for Appellant agree, she may delay filing the Rule 4 appeal file until after the suspension is lifted. Likewise, the complaint and answer may be filed after the suspension is lifted, 30 and 60 days thereafter, respectively as set forth below.

1. The contracting officer, through Government agency counsel shall file with the Board an appeal file of the documents and things relevant to this dispute, as required by Rule 4(a) of Board procedures. That appeal file shall be organized as described in Rule 4(b). At the same time that the appeal file is filed with the Board, a copy of the appeal file shall be served on the appellant. Appellant should review the Rule 4 appeal file and if it thinks any additional documents belong in it, appellant should make an appeal file submission in accordance with Rule 4(d). A copy of appellant's appeal file exhibits should be sent to the Board and the Government trial counsel. Failure to comply with this order to submit appeal file exhibits may result in the Board declining to receive documents into evidence at a later date.
2. Appellant shall file with the Board its complaint, as required by Rule 6(b). The complaint shall set forth appellant's claim or claims in simple, concise, and direct terms. Appellant may ask to designate its notice of appeal or any other documents as the complaint, but it must notify the Board of that request by the date the complaint is due.
3. The Government's answer to the complaint must be filed in accordance with Rule 6(c). A copy of that answer must be sent directly to the appellant.



CANDIDA S. STEEL
Board Judge