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CIVILIAN BOARD OF
CONTRACT APPEALS

Attorneys for Contractor/Appellant

CIVILIAN BOARD OF CONTRACT APPEALS

CHUGACHMIUT)
1840 S. Bragaw Street, Suite 110)
Anchorage, Alaska 99508)

Appellant,)

vs.)

MICHAEL O. LEAVITT, SECRETARY,)
U.S. DEPARTMENT OF HEALTH AND)
HUMAN SERVICES; CHARLES GRIM,)
DIRECTOR, INDIAN HEALTH)
SERVICE; UNITED STATES OF)
AMERICA)

Respondents.)

CBCA Nos. _____ through _____

Compact No. ISG950024

UNOPPOSED MOTION TO CONSOLIDATE

Chugachmiut, by and through counsel, the law firm of Sonosky, Chambers, Sachse, Miller & Munson, LLP, respectfully moves this Board pursuant to CBCA Rule 2(d) for an order consolidating this appeal with the recently filed appeal captioned *Chugachmiut v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, Case No. CBCA 741-ISDA and 742-ISDA.

On May 4, 2007, Chugachmiut filed a Protective Notice of Appeal from the denial of its Fiscal Year 1993 and Fiscal Year 1994 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 assigned case numbers CBCA 741-ISDA and CBCA 742-ISDA.

On or about May 29, 2007, Chugachmiut received letters from Charles W. Grim, D.D.S., Director of the Indian Health Service, denying claims made by Chugachmiut for contract support cost damages for Fiscal Years 1996, 1999, and 2000. Filed contemporaneously with this Motion is a 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 May 4, 2007 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.

Appellants’ counsel has conferred with Respondents’ counsel and is authorized to state that Respondents do not oppose this Motion.

Wherefore, Chugachmiut respectfully requests that the Board consolidate the Appeal filed today with CBCA 741-ISDA and CBCA 742-ISDA for all further proceedings, including any hearings or trial that may become necessary.

Respectfully submitted this 22nd day of August 2007.

SONOSKY, CHAMBERS, SACHSE,
MILLER & MUNSON, LLP

By: Lloyd B. Miller
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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 **UNOPPOSED MOTION TO CONSOLIDATE** and proposed **ORDER**, by certified mail, return receipt requested, to the following parties of record this 22nd day of August 2007:

Dr. Charles W. Grim, Director
U.S. Department of Health and
Human Services
801 Thompson Avenue, Room 440
Rockville, Maryland 20842

Scott S. Driggs
Assistant Regional Counsel
Office of the General Counsel
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Appellant,) CBCA Nos. _____ through _____
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MICHAEL O. LEAVITT, SECRETARY,)
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**ORDER GRANTING UNOPPOSED MOTION
TO CONSOLIDATE PURSUANT TO
CBCA RULE OF PROCEDURE 2(d)**

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

IT IS HEREBY ORDERED that this appeal shall be consolidated with CBCA 741-ISDA and CBCA 742-ISDA for all further proceedings.

SO ORDERED this _____ day of _____ 2007.

ADMINISTRATIVE JUDGE