

**Civilian Board of Contract Appeals**  
**General Services Administration**  
**Washington, D.C.**

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KODIAK AREA NATIVE ASSOCIATION,

Appellant,

v.

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

Respondents.

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CBCA Nos. 618-ISDA to 625-ISDA

ISDA Compact No. 58G950027

**PARTIES' JOINT MOTION TO STAY PROCEEDINGS**

Appellant, Kodiak Area Native Association, and Respondents, 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 stay all proceedings in this appeal until May 31, 2007. In support of this motion, the parties show as follows:

1. In its Notice of Appeal, Appellant asserted that Respondents are liable for money damages due to the failure to pay annually the full "contract support costs" for contracts entered into between Appellant and Respondents under the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450 *et seq.* The appeal was taken from the October 25, 2006, denial by the contracting officer of the contract claims. Appellant has not filed its Complaint.

2. Appellant and Respondents anticipate that some of the legal issues involved in

this appeal 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”), and *Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians v. IHS*, IBCA Nos. 4724-2005 through 4727-2005 (“Coos”). Within the upcoming weeks, the parties in the ASNA and Coos appeals are scheduled to conclude briefing on several motions, including motions to dismiss, and oral arguments are scheduled for February 28, 2007, and March 15, 2007, respectively. The parties expect that a decision will be issued by the CBCA shortly thereafter. The dispositions of the motions in these cases will likely assist the parties in addressing any similar legal issues in this appeal.

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

4. In addition, the parties agree that this Motion to Stay Proceedings does not prejudice either party to file dispositive motions in the future. Furthermore, the parties agree that Respondents can file 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 Stay Proceedings be granted.

Respectfully submitted,

Date: February 15, 2007

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U.S. DEPARTMENT OF HEALTH AND	:	
HUMAN SERVICES; CHARLES GRIM,	:	
DIRECTOR, INDIAN HEALTH SERVICE;	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondents.	:	

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**ORDER GRANTING MOTION TO STAY PROCEEDINGS**

The parties' Motion to Stay Proceedings is hereby GRANTED. The appeal is stayed until May 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 to file dispositive motions in the future, and Respondents may file the Appeal File during the pendency of this suspension without causing the suspension to be lifted.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2007.

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Candida Steel  
Administrative Judge