



**UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS**

ORDER: January 11, 2008

CBCA 181-ISDA, 279-ISDA, 280-ISDA, 281-ISDA, 282-ISDA

MFTLAKATLA INDIAN COMMUNITY,

Appellant,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Respondent.

Geoffrey D. Strommer of Hobbs Straus Dean & Walker, LLP, Portland, OR, counsel for Appellant.

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

STEEL, Board Judge.

ORDER

There are motions for summary relief and to dismiss pending in the above-captioned appeals. After discussion with the assigned panel judges, it is my intention to take the motions under advisement, and instead decide the motions as though they were motions in limine on the following two issues:

1) Timeliness: Were claims for the early years barred by laches and were the claim filing requirements of the CDA tolled by legal or equitable tolling such that the claims filed with the contracting officer were timely?

2) Congressional Caps: What is the effect of Congressional "caps" on appropriations in fiscal years 1998-1999?

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This should pave the way for the parties to consider settlement of these and the other similar pending cases. The parties have thoroughly briefed the issues embodied in these two questions. However, if there is additional information you wish to submit, or arguments you wish to make, for the purpose of motions in limine, you may do so on or before February 1, 2008.



CANDIDA S. STEEL
Board Judge



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**ACKNOWLEDGMENT OF RECEIPT OF INFORMATION
FACSIMILE TRANSMITTAL SHEET**

DATE: January 10, 2008
FROM: Judge Steel 202-606-8817
CBCA: Metlakatka Indian Community v. IHS
SUBJECT: Order
TO: [APPELLANT]
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S. Hause 1/10/08

SIGNATURE OF RECEIVING OFFICIAL DATE

TOTAL PAGES TRANSMITTED: 3
UPON RECEIPT OF THIS DOCUMENT, PLEASE SIGN THIS SLIP AND RETURN IT TO THE CIVILIAN BOARD OF CONTRACT APPEALS, 1800 F STREET, N.W., WASHINGTON, DC 20405. YOU CAN FAX: 202-606-0019.