

UNITED STATES GENERAL SERVICES ADMINISTRATION
CIVILIAN BOARD OF CONTRACT APPEALS
1800 F Street, N.W.
Washington, D.C. 20405

METLAKATLA INDIAN COMMUNITY,)	
)	CBCA 181-ISDA
)	CBCA 279-ISDA
Appellant,)	to CBCA 282-ISDA
)	
v.)	(Formerly
)	IBCA 4767-2006
INDIAN HEALTH SERVICE, DEPARTMENT OF)	IBCA 4771-2006)
HEALTH AND HUMAN SERVICES,)	
)	
Appellee.)	
)	

METLAKATLA INDIAN COMMUNITY'S
NOTICE OF SUPPLEMENTAL AUTHORITY

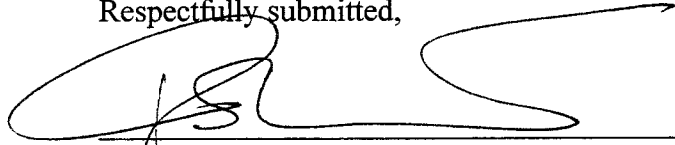
The Appellant Metlakatla Indian Community ("the Community") hereby gives notice of additional authorities issued since oral argument and the close of briefing on the above-referenced matter.

1. Both *Solow v. United States*, 78 Fed. Cl. 86 (2007) and *Athey v. United States*, 78 Fed. Cl. 157 (2007), support the Community's argument that a class action may serve to equitably toll the statute of limitations. Moreover, a plaintiff cannot be said to have unreasonably delayed under the doctrine of laches while awaiting the outcome of a class action.

2. *GHS Health Maintenance v. United States*, 76 Fed. Cl. 339 (2007), supports the Community's argument that statutory and regulatory rights cannot be waived by

contract. *Id.* at 370. Moreover, the case suggests that the failure of a contractor to object to a contract provision, even if the contractor performs, does not result in a waiver of any rights. *Id.* at 372.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'G. Strommer', written over a horizontal line.

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January 14, 2008