

# HOBBS, STRAUS, DEAN & WALKER, LLP

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January 23, 2008

*Via Telefax and Certified Mail*

Administrative Judge Candida Steel  
Civilian Board of Contract Appeals  
1800 F Street, NW  
Washington, DC 20405

**Re: *Metlakatla Indian Community v. IHS***  
***CBCA 181-ISDA; CBCA 279-ISDA to CBCA 282-ISDA***

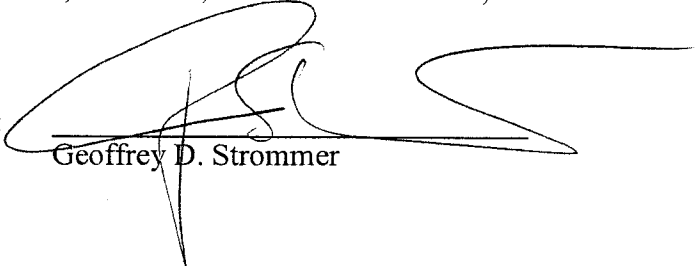
Dear Judge Steel:

Enclosed please find the original and one copy of the *Metlakatla Indian Community's Response to the Government's Objection and Motion to Reconsider Conversion of Dispositive Motions to Motions in Limine*, together with a certification that a copy of this letter and the enclosed document has been served upon counsel for the Indian Health Service.

Sincerely,

HOBBS, STRAUS, DEAN & WALKER, LLP

By:

  
Geoffrey D. Strommer

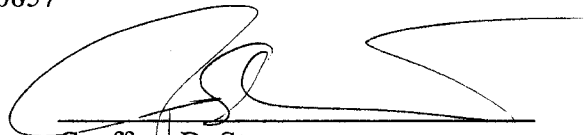
Enclosures

cc: Jocelyn S. Beer, Esq.

**Certificate of Service**

I hereby certify that on this 23<sup>rd</sup> day of January, 2008, a copy of the *Metlakatla Indian Community's Response to the Government's Objection and Motion to Reconsider Conversion of Dispositive Motions to Motions in Limine* was served via telefax and USPS certified mail upon the following:

Jocelyn S. Beer, Counsel  
DHHS – Office of the General Counsel  
Public Health Division  
5600 Fishers Lane, Room 4A53  
Rockville, MD 20857



Geoffrey D. Strommer

January 23, 2008

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

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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.	)	
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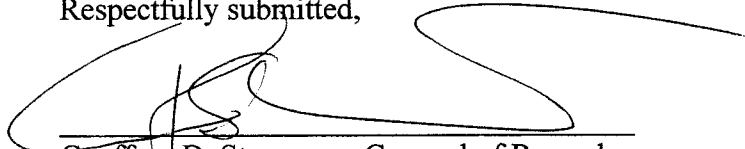
METLAKATLA INDIAN COMMUNITY'S RESPONSE TO  
THE GOVERNMENT'S OBJECTION AND MOTION TO RECONSIDER  
CONVERSION OF DISPOSITIVE MOTIONS TO MOTIONS IN LIMINE

In response to the Civilian Board of Contract Appeals' (hereinafter "Board") sua sponte Order of January 11, 2008, the IHS has filed an objection and a motion to reconsider. The Appellant Metlakatla Indian Community has no objection to the Board's Order. We also believe that the Board has both the inherent authority and regulatory authority to issue the Order. *See* CBCA Rule 51. However, given IHS's objection, we suggest that it may be useful for the Board to convene a conference call to discuss the reasons behind the Board's order and to further clarify how the Board intends the parties to proceed. For example, we do not think that it is clear from the Order that a panel would not decide the motion in limine. It may be that the Board can rule on some part of the motion to dismiss and take other issues under advisement and meet the same goal as

the suggested motion in limine. Further, we think it may be useful to understand more about the amount of time the Board intends to provide the parties to pursue settlement. It may be that the suggestion of settlement discussions is fruitless absent an "authoritative ruling," as the IHS seems to indicate, p. 4, or it may be that an interim ruling could be useful to allow the parties some window of time to try and work out a settlement given the Board's interim order.

In any event, the Appellant has no objection and does not join in the IHS's motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'G. Strommer', written over a horizontal line. The signature is stylized and extends to the right of the line.

Geoffrey D. Strommer, Counsel of Record  
Marsha K. Schmidt, Counsel  
Stephen D. Osborne, Counsel

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