

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

MOUNT SANFORD TRIBAL CONSORTIUM,)	
)	
Appellant,)	
)	
v.)	CBCA No. ____
)	
INDIAN HEALTH SERVICE, DEPARTMENT)	
OF HEALTH AND HUMAN SERVICES,)	
)	
Appellee.)	
)	

APPELLANT'S MOTION TO STAY PROCEEDINGS

Appellant Mount Sanford Tribal Consortium (hereinafter "MSTC"), by and through undersigned counsel, hereby moves to stay all proceedings in the above-captioned appeals. In support of this Motion, MSTC asserts as follows:

1. Appellant asserts that the Appellee is liable for money damages due to the non-payment of certain "contract support costs" ("CSC") for contracts between the Indian Health Service ("IHS") and MSTC under the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450 *et seq.*

2. Several of the key legal issues in this appeal are a part of other CSC cases pending before this Board, including two cases litigated by undersigned counsel: *Metlakatla Indian Community v. IHS*, CBCA 181-ISDA and CBCA 279-ISDA to CBCA 282-ISDA, and *Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians v. IHS*, CBCA 171-ISDA and CBCA 235-ISDA to 237-ISDA. In those two appeals, the parties have filed cross-motions for summary judgment, and the IHS has filed motions to dismiss, that raise many of

the same issues and legal defenses the IHS is expected to raise in this appeal: for example, statute of limitations, laches, and improper presentment of claims to the contracting officer. The parties in the *Metlakatla* and *Coos* cases have briefed these issues, and oral arguments were held on March 15, 2007 and March 22, 2007, respectively. It is likely that decisions will be issued by the CBCA in the next few months. The disposition of the pending *Coos* and *Metlakatla* motions in all likelihood will establish the law within the CBCA concerning some of the critical issues in the above-captioned appeal.

3. Given the pendency of the motions now before the Board in the *Metlakatla* and *Coos* cases, the most efficient course of action is to stay proceedings in the above-captioned appeal pending the outcome of those motions, reserving to the parties the right to request that the stay be lifted prior thereto for good cause shown.

4. IHS counsel in other CSC cases before this Board have agreed to a stay pending the *Coos* and *Metlakatla* rulings, recognizing that a stay will conserve agency, tribal, and Board resources by avoiding duplicative briefing of the same issues.

For the foregoing reasons, MSTC respectfully requests that this Motion to Stay be granted.

Respectfully submitted,

By: 

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MOTION TO STAY