

**THE UNITED STATES DEPARTMENT OF THE INTERIOR
INTERIOR BOARD OF CONTRACT APPEALS**

SOUTHCENTRAL FOUNDATION

Appellant,

vs.

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

Appellees.

IBCA 4864-2006

thru

IBCA 4870-2006

**APPELLEES' UNOPPOSED MOTION TO STAY PROCEEDINGS
AND PROPOSED SCHEDULING ORDER**

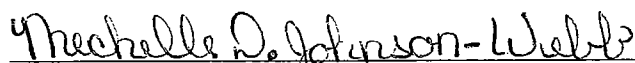
Appellee, the U.S. Department of Health and Human Services, Indian Health Service (hereinafter "IHS"), in concurrence with Appellant, Southcentral Foundation (hereinafter "Southcentral"), hereby moves to stay all proceedings in this matter, including the submission of all pleadings and the appeal file and proposes a scheduling order to allow IHS to issue a contracting officer's decision on Southcentral's fiscal year (FY) 2000 claims and to allow Appellant to amend its complaint. In support of this motion, Appellee asserts the following:

1. IHS received Southcentral's FYs 1995, 1996, 1997, 1998, and 1999 Compact claims on October 3, 2005. These claims were denied on November 1, 2006.
2. IHS received Southcentral's claims for FY 2000 for Compact #58G-950031-04 on September 29, 2006.

3. IHS sent a response to Southcentral on December 1, 2006 stating that it expected to issue a decision on the claim within 180 days of December 1, 2006.
4. IHS received a Docketing Notice from the Interior Board of Contract Appeals (hereinafter the "Board") on or near December 6, 2006 indicating that Southcentral appealed the FY 1995 through 2000 Compact claims as deemed denials.
5. The only claim for which IHS has not issued a contracting officer's decision is the FY 2000 claim. A contracting officer's decision could provide information useful to the Board and the parties involved.
6. Appellee has agreed to allow IHS to issue a decision on the FY 2000 claim and to stay all proceedings and the submission of the appeal file so that the claim may be answered. Therefore, Appellee anticipates filing an Amended Complaint to account for these intervening developments.
7. The parties propose the following dates for the submission of the contracting officer's decision on the FY 2000 claim, the submission of the appeal file, Appellant's Amended Complaint, and Appellee's Answer to Appellant's Complaint and Amended Complaint:
 - a) Contracting Officer's Decision on the FY 2000 claims due:
February 20, 2007
 - b) Appeal file due: February 20, 2007
 - c) Appellant's Amended Complaint due: March 22, 2007
 - d) Appellee's Answer to Appellant's Complaint and Amended Complaint due: April 20, 2007

Wherefore, IHS respectfully requests for the foregoing reasons that this Motion to Stay be granted.

Respectfully submitted,



Mechelle D. Johnson-Webb
Attorney, Public Health Division
Office of the General Counsel
Department of Health and Human Services
Room 4A-53, Parklawn Building
5600 Fishers Lane
Rockville, MD 20857
(301) 443-3978
(301) 480-2161 (fax)

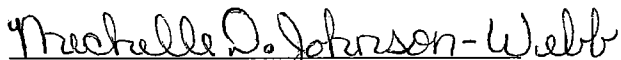
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Appellees' Motion to Stay Proceedings was served via fax, email, and first class, postage paid mail this 29 th day of December 2006 to:

Lloyd Benton Miller, Esq.
Sonosky, Chambers, Sachse,
Miller & Munson, LLP
900 West Fifth Avenue, Suite 700
Anchorage, Alaska 99501
(907) 258 - 6377
f(907) 272 - 8332
lloyd@sonosky.net

Melanie Baca Osborne, Esq.
Sonosky, Chambers, Sachse,
Miller & Munson, LLP
900 West Fifth Avenue, Suite 700
Anchorage, Alaska 99501
(907) 258 - 6377
f(907) 272 - 8332

Donald J. Simon, Esq.
Sonosky, Chambers, Sachse,
Endreson & Perry, LLP
1425 K Street, N.W., Suite 600
Washington, DC 20005
(202) 682-0240
f(202) 682 - 0249


Mechelle D. Johnson-Webb
Attorney
Office of the General Counsel
U.S. Department of Health and Human Services



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Office of the General Counsel

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Public Health Division
Room 4A-53, Parklawn Bldg.
5600 Fishers Lane
Rockville, Maryland 20857
(301) 443-3978
FAX: (301) 480-2161

December 29, 2006

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

Re: IBCA 4864-2006 thru IBCA 4870-2006

Dear Judge Steel:

Enclosed please find the original and one copy of the U.S. Department of Health and Human Services, Indian Health Service's Unopposed Motion to Stay Proceedings and Proposed Scheduling Order. Also enclosed is certification that copies of this letter and the enclosed motion have been served upon the other party. Thank you for your consideration and attention to this matter.

Sincerely,

Mechelle D. Johnson-Webb

Mechelle D. Johnson-Webb
Attorney, Public Health Division
Office of the General Counsel
U.S. Department of Health and Human Services