

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PUEBLO OF ZUNI, on behalf of itself)
and all others similarly situated,)
)
Plaintiff,)
)
v.) Case No. CIV 01- 1046LH
)
UNITED STATES OF AMERICA;)
TOMMY THOMPSON, Secretary of the)
United States Department of Health and)
Human Services; and)
MICHAEL H. TRUJILLO, Director of the)
Indian Health Service, United States)
Department of Health and Human Services,)
)
Defendants.)
_____)

PLAINTIFF’S UNOPPOSED MOTION TO STAY PROCEEDINGS

Plaintiff Pueblo of Zuni, by and through undersigned counsel, hereby moves to stay all proceedings in this action. In support of this motion, plaintiff shows as follows:

1. This action asserts that the defendants are liable for money damages due to the non-payment of certain “contract support costs” for contracts entered into pursuant to the Indian Self-Determination Act, 25 U.S.C. § 450 *et seq.* between the Indian Health Service and Tribes or tribal organizations.

2. Some of the issues involved in this action are presently pending before the United States Court of Appeals for the Tenth Circuit in an action entitled *Cherokee Nation and Shoshone-Paiute Tribes v. Thompson*, No. 01-7106 (10th Cir.) (*appeal docketed* Aug. 3, 2001).

The parties to that appeal anticipate all appellate briefing in that case to be concluded by

February 11, 2002. The disposition of the *Cherokee Nation and Shoshone-Paiute Tribes* appeal will in all likelihood establish the law of this Circuit concerning at least some of the issues involved in this action.

3. Given the pendency of the *Cherokee Nation and Shoshone-Paiute Tribes* appeal, the most efficient course of action consistent with Fed. R. Civ. P. 1, is to stay this litigation pending the outcome of that appeal, reserving to the parties the right to request that the stay be lifted prior thereto for good cause shown.

4. Undersigned counsel has reviewed this motion with opposing counsel and is authorized to state that the defendants concur in the Court granting a stay in this action.

For the foregoing reasons, the plaintiff Pueblo of Zuni respectfully requests that this motion to stay be granted.

Respectfully submitted this 21st day of December 2001.

Attorneys for Plaintiff

SONOSKY, CHAMBERS, SACHSE,
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I hereby certify that I mailed and faxed,
or caused to be mailed and faxed, a true
and correct copy of the foregoing document to
the following attorney of record this 21st day of
December 2001:

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David C. Mielke

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