

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
Bid Protest**

CONTINENTAL SERVICE GROUP, INC., and)	
PIONEER CREDIT RECOVERY, INC.,)	
Plaintiffs, and)	
)	
COLLECTION TECHNOLOGY, INC.,)	
PROGRESSIVE FINANCIAL SERVICES, INC., and)	
ALLTRAN EDUCATION, INC.,)	
Intervenor-Plaintiffs,)	
)	Nos. 17-449, 17-499
v.)	
)	Chief Judge Braden
THE UNITED STATES,)	
Defendant, and)	
)	
THE CBE GROUP, INC.,)	
PREMIERE CREDIT OF NORTH AMERICA, LLC,)	
GC SERVICES LIMITED PARTNERSHIP,)	
FINANCIAL MANAGEMENT SYSTEMS, INC.,)	
VALUE RECOVERY HOLDINGS, LLC, and)	
WINDHAM PROFESSIONALS, INC., and)	
AUTOMATED COLLECTION SERVICES, INC.,)	
Intervenor-Defendants.)	
)	

**ALLTRAN EDUCATION, INC.’S REQUEST FOR AN EXPEDITED RULING ON
ALLTRAN’S PENDING MOTION FOR STAY PENDING APPEAL**

In light of the Federal Circuit’s July 18 Order (ECF 177) holding in abeyance Alltran Education, Inc.’s (“Alltran”) and the Government’s motions in that court, Alltran respectfully requests that this Court expedite ruling on Alltran’s pending Motion for Stay Pending Appeal.¹

¹ Alltran’s Motion for Stay Pending Appeal in this case is docketed as ECF 155. On June 9, 2017, Alltran filed identical motions for stay pending appeal in each of the related cases in which this Court issued a copy of the May 31 Injunction. *See* No. 17-493, ECF 67; No. 17-517, ECF 49; No. 17-558, ECF 65; No. 17-578, ECF 36; No. 17-633, ECF 21. For simplicity, Alltran will refer herein to its identical motions using singular pronouns. However, Alltran respectfully requests that the Court rule on all six of Alltran’s identical motions.

In its June 9 Motion for Stay Pending Appeal, Alltran explained that the May 31 Injunction is contrary to established precedent and, if not stayed, will cause Alltran to lose the entirety of its award-term extension (“ATE”) contract, which this Court implored the Department of Education (“ED”) to award as part of the corrective action in *Coast Professional*. See ECF 155 (Alltran Motion) at 2, 14-15; see also ECF 174 (Alltran Reply) at 2-4. Given the urgency of this issue, Alltran further requested that this Court rule on its Motion by June 14; Alltran advised that, after that date, Alltran would file an emergency motion with the Federal Circuit requesting similar relief. See ECF 155 at 3.

The Government and Pioneer Credit Recovery, Inc. (“Pioneer”) filed responses in support of Alltran’s Motion, as well as sworn declarations detailing the pressing harms the May 31 Injunction is inflicting on student loan borrowers, the United States Treasury, small businesses, and Pioneer. See ECF 157 (Government Response in Support); ECF 162 (Pioneer Response in Support). For example:

- By the end of May, 234,000 student loan borrowers had already been denied service on their defaulted accounts worth \$4.6 billion, and every month an additional 118,000 borrowers—with accounts worth \$2.285 billion—are similarly left in limbo. ECF 157-1 (Declaration of James Manning, Acting Under Secretary of ED), ¶¶ 9-11, 13.
- ED cannot meet its obligations under federal law to collect on student loans—resulting in \$2.4 million and counting in lost collections—and to assist borrowers in repaying and rehabilitating their loans. *Id.*, ¶¶ 12, 16.
- 11 vulnerable small businesses cannot perform their lawfully awarded contracts, jeopardizing their continued viability and undermining federal preferences for small business contracting. ECF 157-2 (Declaration of Robb N. Wong, Associate Administrator for the Small Business Administration’s Office of Government Contracting and Business Development), ¶ 11.
- Pioneer, like Alltran, will lose the entirety of its ATE contract, rendering the *Coast Professional* corrective action meaningless. ECF 162 at 6.

On June 19, Alltran filed an emergency motion for stay pending appeal directly with the Federal Circuit. No. 2017-2155, Doc. 12. In that motion, Alltran once again reiterated the urgency of this issue and the necessity of a stay to preserve Alltran's ATE contract. *Id.* at 2-3, 21. The United States also appealed the May 31 Injunction and, on June 27, filed its own emergency motion for stay pending appeal directly with the Federal Circuit. *See* No. 2017-2155, Doc. 62. The Federal Circuit set expedited briefing schedules for Alltran's and the Government's emergency motions; briefing on both motions was completed by July 5.²

However, on July 18, the Federal Circuit issued an Order holding in abeyance Alltran's and the Government's emergency motions. *See* ECF 177 (No. 2017-2155, Doc. 122). The Federal Circuit's rationale for holding the emergency motions in abeyance was that Alltran's June 9 Motion in this Court remains pending:

The court notes that Alltran's motions to stay the preliminary injunction are pending at the Court of Federal Claims. The Court of Federal Claims has not yet acted on Alltran's motions to stay, the briefing of which has only recently been completed. The court will hold the motions to stay in abeyance pending the Court of Federal Claims' decision on Alltran's motions.

Id. at 6-7.

In light of the Federal Circuit's July 18 Order, Alltran respectfully requests that this Court expedite ruling on Alltran's pending June 9 Motion for Stay Pending Appeal. An expedited ruling from this Court is necessary both in light of the continuing urgency of this issue,

² Although Alltran's Motion in this Court focused exclusively on staying that portion of the May 31 Injunction applicable to Alltran's ATE contract, Alltran made clear in its briefing to the Federal Circuit that it agrees with the Government that the entire May 31 Injunction is contrary to precedent and should be stayed, especially given the widespread harms detailed above. *See* No. 2017-2155, Doc. 90 at 1 n.1.

as well as to facilitate the efficient progression of the actions before both this Court and the Federal Circuit.³

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Respectfully submitted,

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³ For example, Alltran's and the Government's principal merits briefs in the Federal Circuit are due on August 14. Whether or not this Court has ruled on Alltran's pending Motion by that date would affect how Alltran and the Government must structure their respective briefs.