

In the United States Court of Federal Claims

Nos. 17-449, 17-499

Filed: April 24, 2017

CONTINENTAL SERVICES
GROUP, INC., and PIONEER CREDIT
RECOVERY, INC.,

Plaintiffs,

v.

THE UNITED STATES,

Defendant,

and

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.,

Intervenor-Defendants.

Extension Of Temporary Restraining Order,
RCFC 65(b)(2).

EXTENSION AND MODIFICATION OF TEMPORARY RESTRAINING ORDER

On March 29, 2017, the court issued a Memorandum Opinion And Temporary Restraining Order (“TRO”), enjoining the United States of America, the United States Department of Education (“the ED”), and their officers, agents, servants, employees, and representatives from:

- (1) authorizing the purported awardees to perform on the contract award under Solicitation No. the ED-FSA-16-R-0009 for a period of fourteen days, *i.e.* until April 12, 2017; and

- (2) transferring work to be performed under the contract at issue in this case to other contracting vehicles to circumvent or moot this bid protest for a period of fourteen days, *i.e.* until April 12, 2017.

ECF No. 9 at 3.

On April 10, 2017, the court extended the March 29, 2017 TRO for another fourteen days, *i.e.*, until April 24, 2017. ECF No. 56.

On April 18, 2017, the Government filed a Notice Of Recalling Accounts, advising the court that the ED would recall accounts placed with thirteen private collection agencies, including The CBE Group, Inc. (“CBE”) and Premiere Credit of North America, LLC (“Premiere”), whose contracts would expire on April 22, 2017. ECF No. 65.

On April 21, 2017, CBE and Premiere filed an Emergency Motion For Enforcement Of The March 29, 2017 TRO, arguing that the ED planned to recall accounts immediately that were placed with CBE and Premiere prior to this litigation, altering the *status quo*. ECF No. 68. That same day, the court convened a Status Conference to address the issues raised in the April 21, 2017 Emergency Motion. At the court’s request, the parties agreed to reconvene on April 24, 2017 for another Status Conference, and the Government informed the court that ED would not recall the disputed accounts until after the April 24, 2017 Status Conference.

On April 24, 2017, the court convened another Status Conference and heard argument from all the parties in this case, as well as the parties in *Account Control Technology v. United States*, No. 17-493, *Alltran Education v. United States*, No. 17-517 and *Coast Professional v. United States*, No. 15-207.

For the reasons set forth in the April 21, 2017 Emergency Motion and, pursuant to the April 24, 2017 Status Conference, it is hereby ordered that the United States of America, the United States Department of Education, and their officers, agents, servants, employees, and representatives are Temporarily Restrained, pursuant to RCFC 65(d), from:

- (1) authorizing the purported awardees to perform on the contract award under Solicitation No. ED-FSA-16-R-0009 for a period of fourteen days, *i.e.*, until May 8, 2017, except as specifically provided for below; and
- (2) transferring work to be performed under the contract at issue in this case to other contracting vehicles to circumvent or moot this bid protest for a period of fourteen days, *i.e.*, until May 8, 2017.
- (3) This Order, however, does not prohibit The CBE Group, Inc., Premiere Credit of North America, LLC, and Transworld Systems, Inc. from continuing to service only “in-repayment” accounts, *i.e.*, those accounts where the contractor and borrower have a mutually agreed upon repayment schedule (*see* Task Order No. ED-FSA-09-0-0008 at 48), pursuant to Contract Nos. ED-FSA-17-D-0006, ED-FSA-17-D-0007 and ED-FSA-17-D-0009, awarded on December 9, 2016, for a period of sixty days, and without further consent of the court.

The purpose of this extension and modification is to preserve the *status quo* to protect the interest of all parties and to afford the Government an opportunity to reach a global solution of the aforementioned cases.

On May 2, 2017 at 10:00 A.M. (E.S.T.), the court will convene a Preliminary Injunction Hearing, pursuant to RCFC 65(b)(3). At the May 2, 2017 Hearing, the protestors in the aforementioned cases must move forward with, and present evidence to support, their motions for preliminary injunction. *See* RCFC 65(b)(3).

IT IS SO ORDERED.

s/Susan G. Braden
SUSAN G. BRADEN
Chief Judge