

In the United States Court of Federal Claims

NANCY G. ATKINS, in her capacity as)	No. 17-906C (Filed: October 16, 2017)
Liquidator of Kentucky Health Cooperative,)	
Inc.)	
Plaintiff,)	
v.)	
THE UNITED STATES OF AMERICA,)	
Defendant.)	

ORDER

Plaintiff Nancy G. Atkins, Liquidator of Kentucky Health Cooperative, Inc. (Kentucky Health) filed this case on July 6, 2017. Compl., ECF No. 1. Kentucky Health alleges that the government unlawfully failed to make payments that were due under the so-called “risk corridors” provisions of the Patient Protection and Affordable Care Act (ACA), Pub. L. 111-148 (March 23, 2010), 124 Stat. 119. Id. ¶¶ 1, 6, 11–12, 16–19.

On August 16, 2017, Kentucky Health filed another complaint against the government, which was assigned to Judge Horn. See Compl., Atkins v. United States, No. 17-1108C (Aug. 16, 2017), ECF No. 1. In that complaint, Kentucky Health alleged that the government unlawfully breached certain provisions of the ACA related to reinsurance, causing it monetary damages. See id. ¶¶ 1, 7–8, 10–13.

The government has moved to transfer case number 17-1108C to this Court and to consolidate the two cases. ECF No. 12. The Court has discussed the matter with Judge Horn and determined that neither transfer nor consolidation is warranted at this time. Accordingly, the government’s motion to transfer and/or consolidate the cases is **DENIED**.

IT IS SO ORDERED.

s/ Elaine D. Kaplan
ELAINE D. KAPLAN
Judge