

In The United States Court of Federal Claims

No. 11-294C

(Filed: August 19, 2011)

NETSTAR-1 GOVERNMENT
CONSULTING, INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant,

and

ALON, INC.,

Defendant-Intervenor.

ORDER

On August 10, 2011, defendant filed a notice of corrective action and motion to dismiss this case under RCFC 12(b)(1). On August 17, 2011, plaintiff filed a response objecting to defendant's motion.

In the court's view, defendant's proposed corrective action does not provide plaintiff with effective relief, but, in fact, appears to be designed to allow defendant to provide a *post hoc* rationale for the award decision already made. In the court's view, true corrective action here would require, at a minimum, that defendant cancel the award in question. As defendant has not offered to do this, its motion is hereby **DENIED**.

IT IS SO ORDERED.

s/ Francis M. Allegra

Francis M. Allegra

Judge