

# In the United States Court of Federal Claims

No. 03-2794

(Filed: June 14, 2006)

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 \*  
 ACCEPTANCE INSURANCE \*  
 COMPANIES INC., \*  
 \*  
 Plaintiff, \*  
 \*  
 v. \*  
 \*  
 THE UNITED STATES, \*  
 \*  
 Defendant. \*  
 \*  
 \*\*\*\*\* \*

8:06cv609

## ORDER

In anticipation of the oral argument scheduled for Monday, June 26, 2006 at 10:00 AM, the Court requests counsel for the parties to address the following questions during their presentations:

1. Does the "law of the case" doctrine prevent the Court from reconsidering the issues decided in Judge Hodges' August 13, 2004 Order?
2. What is the relationship between the Risk Management Agency ("RMA") and the Federal Crop Insurance Corporation ("FCIC")?
3. Are the actions complained of in this case the responsibility of the RMA, the FCIC, or both?
4. What regulations, rules, practices, or contract provisions govern the agency's review of proposed transfers of Multi-Peril Crop Insurance ("MPCI") policies from one insurer to another, and which agency is responsible for this review?
5. What ultimately happened to the MPCI policies at issue in this case? Were they transferred to other insurance carriers? Did the new carrier assume liabilities from American

Growers Insurance Company? Did Plaintiff or American Growers receive any compensation from the transfer of these policies?

6. Is Plaintiff required to exhaust its administrative remedies before the Department of Agriculture Board of Contract Appeals, pursuant to 7 U.S.C. § 6912(e) and 7 C.F.R. § 400.169(a), (d), prior to filing suit in this Court?

As noted in the Court's May 16, 2006 Order, the Court will permit counsel as much time as is necessary on June 26, 2006 to address these and other issues. Defendant, as the original moving party, may make the opening presentation. Counsel are free to address any other matters that they believe will assist the Court.

IT IS SO ORDERED.

s/ Thomas C. Wheeler  
THOMAS C. WHEELER  
Judge

