

NOTE: This disposition is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-1565

ROTHER DEVELOPMENT CORPORATION,

Plaintiff-Appellant,

v.

DEPARTMENT OF DEFENSE and  
DEPARTMENT OF THE AIR FORCE,

Defendants-Appellees.

David F. Barton, The Gardner Law Firm, of San Antonio, Texas, argued for plaintiff-appellant.

Conor B. Dugan, Attorney, Appellate Section, Civil Rights Division, United States Department of Justice, of Washington, DC, argued for defendants-appellees. With him on the brief were Thomas E. Perez, Assistant Attorney General, Mark L. Gross and Lisa Wilson Edwards, Attorneys.

Appealed from: United States District Court for the Western District of Texas

Judge Xavier Rodriguez

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Plaintiff-Appellant,

v.

DEPARTMENT OF DEFENSE and  
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Defendants-Appellees.

## Judgment

ON APPEAL from the United States District Court for the Western District of Texas  
in CASE NO(S). 98-CV-1011

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (MICHEL, Chief Judge, LOURIE and BRYSON, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED May 4, 2010

/s/ Jan Horbaly  
Jan Horbaly, Clerk