

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-5011

THE CNA CORPORATION,

Plaintiff-Appellee,

v.

UNITED STATES,

Defendant-Appellant.

Alex D. Tomaszczuk, Pillsbury Winthrop Shaw Pittman LLP, of McLean, Virginia, argued for plaintiff-appellee. With him on the brief was Daniel S. Herzfeld.

Matthew H. Solomson, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for defendant-appellant. With him on the brief were Michael F. Hertz, Acting Assistant Attorney General, Jeanne E. Davidson, Director, and Deborah A. Bynum, Assistant Director. Of counsel on the brief was Daniel J. Barry, Deputy Associate General Counsel, Office of General Counsel, United States Department of Health and Human Services, of Washington, DC.

Appealed from: United States Court of Federal Claims

Judge Marian Blank Horn

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# United States Court of Appeals for the Federal Circuit

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THE CNA CORPORATION,

Plaintiff-Appellee,

v.

UNITED STATES,

Defendant-Appellant.

## Judgment

ON APPEAL from the United States Court of Federal Claims  
in CASE NO(S). 07-CV-858

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (MICHEL, Chief Judge, NEWMAN and MOORE, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED September 15, 2009

/s/ Jan Horbaly  
Jan Horbaly, Clerk