

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2010-5006

KERR CONTRACTORS, INC.,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee,

and

KIEWIT PACIFIC CO.,

Defendant-Appellee.

Joseph A. Yazbeck, Jr., Yazbeck Cloran & Bowser, PC, of Portland, Oregon, argued for plaintiff-appellant.

Patryk J. Drescher, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for defendant-appellee the United States. With him on the brief were Tony West, Assistant Attorney General, Jeanne E. Davidson, Director, and Brian M. Simkin, Assistant Director.

Douglas L. Patin, Bradley Arant Boult Cummings, LLP, of Washington, DC, argued for defendant-appellee Kiewit Pacific Co.

Appealed from: United States Court of Federal Claims

Judge Lynn J. Bush

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## Judgment

ON APPEAL from the United States Court of Federal Claims

in CASE NO(S). 09-CV-523

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (MAYER, CLEVINGER, and GAJARSA, Circuit Judges )

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED May 7, 2010

/s/ Jan Horbaly  
Jan Horbaly, Clerk