

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

NU-WAY CONCRETE COMPANY, INC.,
Appellant,

v.

**JANET A. NAPOLITANO, SECRETARY OF
HOMELAND SECURITY,**
Appellee.

2011-1171

Appeal from the Civilian Board of Contract Appeals in
no. 1411, Administrative Judge Jeri Kaylene Somers.

JUDGMENT

J. MARSHALL GILMORE, of Winter Park, Florida,
argued for the appellant.

JEFFREY A. REGNER, Trial Attorney, Civil Division,
United States Department of Justice, of Washington, DC,
argued for the appellee. With him on the brief were TONY
WEST, Assistant Attorney General, JEANNE E. DAVIDSON,
Director, BRIAN M. SIMKIN, Assistant Director. Of counsel
on the brief was JEAN HARDIN, Attorney, FEMA Office of
Chief Counsel, Mission Support Division, Acquisition,
Technology and Property Branch, of Washington, DC.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (DYK, PROST, and MOORE, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

December 9, 2011
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk