

NOTE: This disposition is nonprecedential.

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

RDA CONSTRUCTION CORP.,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2017-2599

Appeal from the United States Court of Federal Claims in No. 1:11-cv-00555-SGB, Senior Judge Susan G. Braden.

Decided: October 12, 2018

PAUL JAMES HOGAN, JR., Hogan and Associates, Canton, MA, argued for plaintiff-appellant.

DANIEL B. VOLK, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for defendant-appellee. Also represented by MARTIN F. HOCKEY, JR., ROBERT EDWARD KIRSCHMAN, JR., CHAD A. READLER.

Before LOURIE, O'MALLEY, and STOLL, *Circuit Judges*.

PER CURIAM.

RDA Construction Corp. (“RDA”) appeals from the United States Court of Federal Claims’ decision denying RDA’s claims stemming from a contract with the United States Department of the Navy, Naval Facilities Engineering Command (“the government”) for reconstruction of certain structures at the Newport, Rhode Island Naval Station. *RDA Constr. Corp. v. United States*, 132 Fed. Cl. 732 (2017). Specifically, RDA appeals the Claims Court’s denial of RDA’s superior knowledge, cardinal change, differing site conditions, and time extension claims as well as its decision upholding the government’s termination of the contract and granting the government \$2,208,204.01 in liquidated damages.

After fully reviewing and considering the parties’ arguments, we conclude that RDA’s challenges are to the Claims Court’s factual findings, not to its procedures or legal conclusions. Indeed, RDA’s counsel conceded as much at oral argument. Oral Arg. at 6:17–6:59, *available at* <http://oralarguments.cafc.uscourts.gov/default.aspx?fl=20-17-2599.mp3>. Accordingly, we may only reverse the judgment on appeal if we conclude that the Claims Court’s findings were clearly erroneous. *See McDonnell Douglas Corp. v. United States*, 323 F.3d 1006, 1012 (Fed. Cir. 2003) (“[W]e will not disturb the trial court’s factual findings . . . unless they are clearly erroneous.”). After a careful examination of the Claims Court’s factual findings and conclusions drawn from those findings and a review of the detailed record upon which they were based, we find no clear error warranting reversal. To be sure, there was evidence proffered by RDA in support of its position on each relevant point. But it was the Claims Court’s role to assess and weigh all the evidence in the first instance.

For these reasons, and those expressed in more detail in the Claims Court's opinion, we *affirm* the Claims Court's judgment.

AFFIRMED

Costs

No costs.