

NOTE: This order is nonprecedential.

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

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**ROTAIR AEROSPACE CORP.,**  
*Plaintiff-Appellant*

v.

**UNITED STATES, THE BOEING COMPANY,**  
*Defendants-Appellees*

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2023-2247

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Appeal from the United States Court of Federal Claims  
in No. 1:23-cv-00688-TMD, Judge Thompson M. Dietz.

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**ON MOTION**

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Before LOURIE, MAYER, and STARK, *Circuit Judges*.  
STARK, *Circuit Judge*.

**O R D E R**

The United States moves to dismiss this appeal. Rotair Aerospace Corp. has not filed a response.

Rotair appeals from the July 12, 2023, order of the United States Court of Federal Claims denying its motion to supplement the administrative record. In general, this court only has jurisdiction over “a final decision” by the

Court of Federal Claims. 28 U.S.C. § 1295(a)(3). A decision is “final” where it “end[s] the litigation on the merits and leave[s] nothing for the court to do but execute the judgment.” *Haggart v. United States*, 943 F.3d 943, 951 (Fed. Cir. 2019) (citation omitted). The Court of Federal Claims’ July 12, 2023, order does not meet these criteria, and Rotair has not identified any other basis for our jurisdiction over this appeal.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The appeal is dismissed.
- (2) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

November 7, 2023  
Date