

NOTE: This disposition is nonprecedential.

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

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**R.L. BATES GENERAL CONTRACTOR PAVING &  
ASSOCIATES, INC.,**  
*Appellant,*

v.

**John McHugh, SECRETARY OF THE ARMY,**  
*Appellee.*

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2010-1313

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Appeal from the Armed Services Board of Contract Appeals in  
No. 53641, Administrative Judge Monroe E. Freeman, Jr.

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**JUDGMENT**

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KEVIN M. COX, Camardo Law Firm, PC, of Auburn, New York,  
argued for the appellant.

WILLIAM J. GRIMALDI, Trial Attorney, Commercial Litigation  
Branch, 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, and BRIAN M. SIMKIN, Assistant Director. Of counsel was  
SAMEER P. YERAWADEKAR, Attorney.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (RADER, *Chief Judge*, LINN, and PROST, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

June 10, 2011  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk