

NOTE: This disposition is nonprecedential.

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

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**SUNDT CONSTRUCTION, INC.,**  
*Appellant,*

v.

**MICHAEL B. DONLEY, SECRETARY OF THE AIR  
FORCE,**  
*Appellee.*

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2011-1603

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Appeal from the Armed Services Board of Contract Appeals in no. 57358, Administrative Judge Elizabeth M. Grant.

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**JUDGMENT**

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BRIAN J. VELLA, Smith Pachter McWhorter PLC, of Vienna, Virginia, argued for appellant. With him on the brief were KATHRYN T. MULDOON and ERICA J. GEIBEL.

DOMENIQUE KIRCHNER, Senior Trial Counsel, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for appellee. With her on the brief were TONY WEST,

Assistant Attorney General, JEANNE E. DAVIDSON, Director, and BRYANT G. SNEE, Deputy Director. Of counsel on the brief was JEFFREY P. HILDEBRANT, Trial Attorney, Air Force Legal Operation Agency, United States Department of the Air Force, of Joint Base Andrews, Maryland.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (DYK, PROST, and O'MALLEY, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

June 8, 2012  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk