

NOTE: This order is nonprecedential.

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

CRASSOCIATES, INC.,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee,

AND

SPECTRUM HEALTHCARE RESOURCES, INC.,
Defendant-Appellee.

2012-5037

Appeal from the United States Court of Federal
Claims in case no. 11-CV-570, Judge Francis M. Allegra.

ON MOTION

Before BRYSON, MAYER, and LINN, *Circuit Judges.*
BRYSON, *Circuit Judge.*

ORDER

CRAssociates, Inc. (CRA) moves for a stay and/or injunction pending disposition of this appeal, and to enjoin

the United States from performing any contract work awarded to Spectrum Healthcare Resources, Inc. (Spectrum). The United States and Spectrum oppose. CRA replies.

To obtain an injunction, pending appeal, a movant must establish a strong likelihood of success on the merits or, failing that, nonetheless demonstrate a substantial case on the merits provided that the harm factors militate in its favor. *Hilton v. Braunskill*, 481 U.S. 770, 778 (1987). In deciding whether to grant an injunction, pending appeal, this court "assesses the movant's chances of success on the merits and weighs the equities as they affect the parties and the public." *E. I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 835 F.2d 277, 278 (Fed. Cir. 1987). *See also Standard Havens Prods. v. Gencor Indus.*, 897 F.2d 511 (Fed. Cir. 1990).

Based on the arguments in the motions papers, and without prejudicing the ultimate disposition of this case by a merits panel, we determine that CRA has not met its burden to obtain an injunction.

Accordingly,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

APR 02 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

APR 02 2012

JAN HORBALY
CLERK

cc: Kenneth B. Weckstein, Esq.
Amy Laderberg O'Sullivan, Esq.
Michael Goodman, Esq.

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