

NOTE: This disposition is nonprecedential.

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

---

**DARRELL BOYE, KIRK SNYDER, LARRY ETSITTY,  
JR., SARAH HABAADIH, JONES R. BEGAY,  
JOHNNY PESHAKIA, RONALD PLATERIO, REX  
BUTLER, TRYONE BENALLY, CHALENE BAHE,  
KENNY JAMES, ROSALYN BENALLY, LEROY  
BUTLER, LUCY LANE, DALE DENNISON,  
RANDELL TOMASYO, MARJORIE HENDERSON,  
PATRICIA YELLOWHAIR, CLINTON CURTIS,  
HENRY K. MOORE, IRENE SIX, THOMAS ESITTY,  
GENEVIEVE MORGAN, DARRELL HARVEY, AND  
LELAND TOM,  
*Plaintiff-Appellants,***

**v.**

**UNITED STATES,  
*Defendant-Appellee.***

---

2010-5043

---

Appeal from the United States Court of Federal  
Claims in Case No. 07-CV-195, Judge Margaret M.  
Sweeney.

---

**JUDGMENT**

---

TAMRA FACCIOLA, Law Office of Edward D. Fitzhugh, of Tempe, Arizona, argued for plaintiffs-appellants. Of counsel was EDWARD D. FITZHUGH, Eckert & Facciola, of Tempe, Arizona.

CHRISTOPHER A. BOWEN, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, for defendant-appellee. With him on the brief were TONY WEST, Assistant Attorney Director, JEANNE E. DAVIDSON, Director, and MARTIN F. HOCKEY, JR., Assistant Director.

---

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, MAYER, and BRYSON, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

January 24, 2011  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk