

NOTE: This disposition is nonprecedential.

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

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**KENNETH EARMAN, (on behalf of himself and all  
others similarly situated),**  
*Plaintiff-Appellant,*

v.

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

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2014-5053

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Appeal from the United States Court of Federal  
Claims in No. 1:10-cv-00617-LJB, Judge Lynn J. Bush.

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**JUDGMENT**

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ALAN I. SALTMAN, Smith, Currie & Hancock LLP, of  
Washington, DC, argued for plaintiff-appellant. With him  
on the brief was RICHARD W. GOEKEN. Of counsel was  
Charles W. Surasky, of Atlanta, Georgia.

SHARON A. SNYDER, Trial Attorney, Commercial Liti-  
gation Branch, Civil Division, United States Department  
of Justice, of Washington, DC, argued for defendant-  
appellee. With her on the brief were STUART F. DELERY,  
Assistant Attorney General, ROBERT E. KIRSCHMAN, JR.,

Director, and BRYANT G. SNEE, Deputy Director. Of counsel was JOSHUA SCHNELL, Trial Attorney.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, NEWMAN and REYNA, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

January 12, 2015  
Date

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk of Court