

NOTE: This disposition is nonprecedential.

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

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**MARK G. ABBEY, ET AL.**  
*Plaintiffs-Appellees*

v.

**UNITED STATES,**  
*Defendant-Appellant*

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2018-1150

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Appeal from the United States Court of Federal Claims in No. 1:07-cv-00272-PEC, Judge Patricia E. Campbell-Smith.

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**JUDGMENT**

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GREGORY K. MCGILLIVARY, Woodley & McGillivary LLP, Washington, DC, argued for plaintiffs-appellees. Also represented by SARA L. FAULMAN.

HILLARY STERN, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for defendant-appellant. Also represented by REGINALD THOMAS BLADES, JR., ROBERT EDWARD KIRSCHMAN, JR., JOSEPH H. HUNT; BRETT T. DAEI, MICHAEL JAMES DOHERTY, Office of the Chief Counsel,

United States Federal Aviation Administration, Washing-  
ton, DC.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LOURIE, O'MALLEY, and TARANTO,  
*Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

January 9, 2019  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court