

## In the United States Court of Federal Claims

No. 13-695 C  
(Filed May 8, 2014)

|                    |   |  |
|--------------------|---|--|
| ALLEN ENGINEERING  | ) |  |
| CONTRACTOR, INC.,  | ) |  |
| Plaintiff,         | ) |  |
| v.                 | ) |  |
|                    | ) |  |
| THE UNITED STATES, | ) |  |
| Defendant.         | ) |  |

### ORDER

Contesting the default termination of construction contracts Allen Engineering Contractor, Inc. was performing for the United States Navy, plaintiff initiated three virtually identical complaints against the government, 1:13-CV-684, 1:13-CV-695, and 1:13-CV-720. The government filed virtually identical motions to dismiss in each of the three cases, and the court, on March 27, 2014, issued a ruling, *Allen Engineering Contractor, Inc. v. United States*, \_\_\_ Fed. Cl. \_\_\_, 2014 WL 1277907, granting the dismissal motion in the first of the three cases.

By an order, filed in this case on March 27, 2014, Doc. 20, the court directed the parties to identify any material difference between the facts alleged in the dismissed case, 1:13-CV-684, and in this case, 1:13-CV-695. Plaintiff filed a response, Doc. 22, to this order and defendant responded, Doc. 23, to plaintiff's submission.

Upon analysis of the parties' submissions, it is concluded that plaintiff has failed to identify any material difference in the 1:13-CV-695 allegations that would serve to alter the result reached in the 1:13-CV-684 dismissal ruling. Also, the March 27, 2014 Order, Doc. 20, notes that it is "[n]ot meant as a chance to amend the complaint."

Accordingly, it is **ORDERED** that for the reasons set forth in the March 27, 2014 ruling in 1:13-CV-684, cited above, the government's Motion to Dismiss, Doc. 9, is **GRANTED**, judgment shall be entered **DISMISSING** plaintiff's Complaint and plaintiff's pending Motion and Amended Motion for Summary Judgment, Docs. 8 and 19, shall be **DISMISSED AS MOOT**.

s/ James F. Merow

James F. Merow  
Senior Judge