

NOTE: This disposition is nonprecedential.

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

LEMON BAY COVE, LLC,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2022-2242

Appeal from the United States Court of Federal Claims
in No. 1:17-cv-00436-MCW, Senior Judge Mary Ellen Cos-
ter Williams.

JUDGMENT

DAVID SMOLKER, Smolker Mathews, LLP, Tampa, FL,
argued for plaintiff-appellant.

ANDREW MARSHALL BERNIE, Environment & Natural
Resources Division, United States Department of Justice,
Washington, DC, argued for defendant-appellee. Also rep-
resented by MICHAEL THOMAS GRAY, THEKLA HANSEN-
YOUNG, TODD KIM, BENJAMIN RICHMOND.

CHRISTOPHER M. KIESER, Pacific Legal Foundation,

Sacramento, CA, for amicus curiae Pacific Legal Founda-
tion.

THIS CAUSE having been heard and considered, it is
ORDERED and ADJUDGED:

PER CURIAM (MOORE, *Chief Judge*, CLEVINGER and
CHEN, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

March 6, 2024
Date



Jarrett B. Perlow
Clerk of Court