

NOTE: This order is nonprecedential.

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

**IDEKER FARMS, INC., ROBERT ADKINS, JR.,
ROBERT ADKINS, SR., ESTATE OF BETTY
ADKINS, ESTATE OF ROBERT ADKINS, SR., KEN
ADKINS, DBA ROBERT ADKINS & SONS
PARTNERSHIP, GERALD SCHNEIDER, DBA
BUFFALO HOLLOW FARMS, INC.,
*Plaintiffs-Cross-Appellants***

**LYNN BINDER, ELAINE BINDER, TODD BINDER,
APRIL BINDER, TYLER BINDER, VALERIE
BINDER, RICHARD BINDER, DUSTIN BINDER,
DARWIN BINDER, DBA MIDWEST GRAIN CO.,
EDDIE DREWES, ROBERT W. DREWES
REVOCABLE TRUST, RITA K. DREWES
REVOCABLE TRUST, DAVID DREWES,
INDIVIDUALLY AND, DBA DREWES FARMS, INC.,
PATRICK NEWLON, DBA NEWLON FARMS, INC.,
DAVID NEWLON, DBA D DOUBLE N FARMS, INC.,
JASON TAYLOR, BRAD TAYLOR, DBA H.B.J.
FARMS, INC., LYLE HODDE, DBA HODDE & SONS
LIMITED PARTNERSHIP, STEVE CUNNINGHAM,
TRUSTEE OF THE DORIS J. CUNNINGHAM AND
STEVEN K. CUNNINGHAM DECLARATION OF
TRUST, GAIL CUNNINGHAM, DBA CUNNINGHAM
FARMS, INC., CHARLES GARST, INDIVIDUALLY
AND, DBA GARST FARMS, INC., CONNIE GARST,
DBA GARST FARMS, INC., RON SCHNEIDER,
MARY SCHNEIDER, ET AL.,
*Plaintiffs***

v.

UNITED STATES,
Defendant-Appellant

2021-1849, 2021-1875

Appeals from the United States Court of Federal Claims in No. 1:14-cv-00183-AOB, Judge Armando O. Bonilla.

ON PETITION FOR REHEARING EN BANC

Before MOORE, *Chief Judge*, LOURIE, DYK, PROST, REYNA, TARANTO, CHEN, STOLL, CUNNINGHAM, and STARK, *Circuit Judges*.¹

PER CURIAM.

ORDER

The United States filed a petition for rehearing en banc. A response to the petition was invited by the court and filed by Ken Adkins, Robert Adkins, Jr., Robert Adkins, Sr., Estate of Betty Adkins, Estate of Robert Adkins, Sr., Ideker Farms, Inc. and Gerald Schneider.

The petition was first referred as a petition to the panel that heard the appeal, and thereafter the petition was referred to the circuit judges who are in regular active service.

¹ Circuit Judge Newman and Circuit Judge Hughes did not participate.

IDEKER FARMS, INC. v. US

3

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue December 6, 2023.

FOR THE COURT



November 29, 2023

Date

Jarrett B. Perlow
Clerk of Court