



ST. LOUIS, MISSOURI SEPTEMBER 8 - 12, 2014

William Jay Riley, Chief Judge - Omaha, Nebraska

Circuit Judges in Active Service

Roger L. Wollman - Sioux Falls, SD
James B. Loken - Minneapolis, MN
Diana E. Murphy - Minneapolis, MN
Kermit E. Bye - Fargo, ND
Lavenski R. Smith - Little Rock, AR
Steven M. Colloton - Des Moines, IA
Raymond W. Gruender - St. Louis, MO
Duane Benton - Kansas City, MO
Bobby E. Shepherd - El Dorado, AR
Jane Kelly - Cedar Rapids, IA

Circuit Judges Who Have Taken Senior Status

Myron H. Bright - Fargo, ND
Pasco M. Bowman - Kansas City, MO
C. Arlen Beam - Lincoln, NE
Michael J. Melloy - Cedar Rapids, IA

NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

Court will be held in the Thomas F. Eagleton Courthouse at 111 S. 10th Street, St. Louis, Missouri. Division I will be held in the En Banc Courtroom on Floor 28, and Division II will be held in the Southeast Courtroom on Floor 27. Division III will be held in the Northeast Courtroom on Floor 27, and Division IV will be held in the Southwest Courtroom on Floor 27. Counsel presenting oral argument should report to the clerk's office, Room 24.329, 30 minutes before Court convenes.

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Counsel are required to file an "Argument Response/Appearance" form with the Clerk's Office identifying the party or parties they will be representing at oral argument. If an "Appearance" form has not already been filed, the "Argument Response/Appearance" form serves as your notice of appearance in the case. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. *Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.*

Michael E. Gans
Clerk of Court

**DIVISION I
En Banc Courtroom
28th Floor**

**MONDAY, SEPTEMBER 8, 2014, BEGINNING AT 9:00 A.M.
BEFORE JUDGES RILEY, SMITH, KELLY**

| | | | |
|----|-----------|--|----|
| 1. | 13-3663WM | Shirley Brinkley v. Pliva, Inc., etc. | 15 |
| 2. | 13-3070EM | Leslie Crews, et al. v. Monarch Fire Protection District, et al. | 15 |
| 3. | 13-3039WM | Noel Bisges v. Nancy Gargula, United States Trustee | 15 |
| 4. | 13-2536EA | Nasrin Fatemi v. Charles White, etc., et al. | 15 |
| 5. | 13-3381EM | Philadelphia Consolidated Holding Corporation, etc. v. Hodell-Natco Industries, Inc. | |
| | 13-3397EM | Philadelphia Consolidated Holding Corporation, etc. v. LSI-Lowery Systems, Inc. | 15 |

****AFTERNOON SESSION****

3:00 P.M. BEFORE JUDGES RILEY, COLLOTON, SHEPHERD

| | | | |
|--|-----------|---|---------------|
| | 13-2334NI | Plymouth County, Iowa, etc. v. MERSCORP, Inc., et al. | 15 |
| | 13-3026MN | The County of Ramsey, et al. v. MERSCORP Holdings, Inc., et al. | NO ARG |

**DIVISION I
En Banc Courtroom
28th Floor**

****EN BANC SESSION****

TUESDAY, SEPTEMBER 9, 2014, BEGINNING AT 9:00 A.M.

**BEFORE JUDGES RILEY, WOLLMAN, LOKEN, MURPHY,
BYE, SMITH, COLLOTON, GRUENDER, SHEPHERD, KELLY**

- | | | | |
|----|-----------|--|----|
| 1. | 14-2220WM | David Zink, et al. v. George Lombardi, et al. | 30 |
| 2. | 14-2163WM | Russell Bucklew v. George Lombardi | 30 |

**WEDNESDAY, SEPTEMBER 10, 2014, BEGINNING AT 9:00 A.M.
BEFORE JUDGES RILEY, SMITH, KELLY**

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|----|-----------|---|----|
| 1. | 14-1503EA | Garland Lott, Jr. v. Carolyn W. Colvin, etc. | 15 |
| 2. | 14-1203EA | Cindy Ponder v. Carolyn W. Colvin, etc. | 15 |
| 3. | 13-3774EA | Ronnie Moore, Jr. v. Carolyn W. Colvin, etc. | 10 |
| 4. | 13-3460EA | Addones Spencer v. Anthony Haynes, etc. | 15 |
| 5. | 14-1260EA | Kandi Cline v. Carolyn W. Colvin, etc. | 10 |

**DIVISION I
En Banc Courtroom
28th Floor**

**THURSDAY, SEPTEMBER 11, 2014, BEGINNING AT 9:00 A.M.
BEFORE JUDGES RILEY, SMITH, KELLY**

| | | | |
|----|-----------|---|----|
| 1. | 13-3159NI | Equal Employment Opportunity Commission v. CRST Van Expedited, Inc. | 20 |
| 2. | 13-3080WA | Sparkman Learning Center, et al. v. Arkansas Department of Human Services, et al. | 15 |
| 3. | 13-3729EA | Donald Rickard v. Swedish Match North America, Inc. | 15 |
| 4. | 13-3607WM | Robl Construction, Inc., etc. v. Andrew Homoly | 15 |
| 5. | 13-3772EA | Ethan Moody v. Frank Vozel, etc., et al. | 15 |

**FRIDAY, SEPTEMBER 12, 2014, BEGINNING AT 8:30 A.M.
BEFORE JUDGES RILEY, SMITH, KELLY**

| | | | |
|----|-------------------------------------|---|----|
| 1. | 13-2566EM 13-2572EM 13-2574EM | United States v. Donald Turner, Jr. United States v. Antonio Turner United States v. Corey Turner | 20 |
| 2. | 13-3544WM | United States v. Kenvis Norwood | 10 |
| 3. | 13-3655WM | United States v. Russell Marks | 15 |
| 4. | 14-1249WM | United States v. Christopher Kelley | 10 |
| 5. | 14-1357WM | United States v. Davon Coppage | 10 |

**DIVISION II
Southeast Courtroom
27th Floor**

**MONDAY, SEPTEMBER 8, 2014, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, LOKEN, MURPHY**

| | | | |
|----|-----------|--|----|
| 1. | 13-3528EM | Paul Wieland, et al. v. United States Department of Health and Human Services, et al. | 20 |
| 2. | 13-3368EM | Traditionalist American Knights of the Ku Klux Klan, etc., et al. v. City of Desloge, Missouri | 15 |
| 3. | 13-2831NE | Laura Powers, etc., et al. v. Credit Management Services, Inc., et al. | 20 |
| 4. | 13-3036EM | Survivors Network of Those Abused by Priests, Inc., et al. v. Jennifer Joyce, etc., et al. | 15 |
| 5. | 13-3512NI | Bill Mullen, et al. v. Pepperl & Fuchs, Inc. | |
| | 13-3513NI | Bill Mullen, et al. v. Heinkel Filtering Systems, Inc. | 15 |

THERE WILL BE NO CASES ARGUED IN DIVISION II ON TUESDAY.

DIVISION II
Southeast Courtroom
27th Floor

WEDNESDAY, SEPTEMBER 10, 2014, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, LOKEN, MURPHY

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| 1. | 13-2620EM | David Oetting, etc. v. Green Jacobson, P.C., et al. | 20 |
| 2. | 13-3497EA | Brad Williams v. Horace Walters, etc. | 15 |
| 3. | 13-3014 | Farzad Qureshi, et al. v. Eric H. Holder, Jr. | 15 |
| 4. | 13-3094EA | Kevin Jones v. Mark Frost, et al. | 15 |
| 5. | 13-3733 | Ming Li Hui v. Eric H. Holder, Jr. | 15 |
| 6. | 14-1015EA | United States v. Raymond Demilia, et al. | 15 |

THURSDAY, SEPTEMBER 11, 2014, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, LOKEN, MURPHY

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|----|-----------|--|----|
| 1. | 14-1395SI | Dan Gieseke v. Carolyn W. Colvin, etc. | 15 |
| 2. | 13-3710WM | John Likins v. United States | 10 |
| 3. | 13-3050WM | Penny Grable v. Carolyn W. Colvin, etc. | 15 |
| 4. | 13-3394WM | United States, et al. v. Robert Geranis, et al. | 10 |

****AFTERNOON SESSION****

2:00 P.M. BEFORE JUDGES MURPHY, COLLOTON, KELLY

| | | | |
|-----------|--|---------------|----|
| 14-1425WM | Allan Rodgers, et al. v. Daniel K. Knight, et al. | | |
| 14-1454WM | Raymond D'Sean Franklin, et al. v. Daniel K. Knight, et al. | Appellants | 15 |
| | | Appellees | 10 |
| | | United States | 10 |

DIVISION II
Southeast Courtroom
27th Floor

FRIDAY, SEPTEMBER 12, 2014, BEGINNING AT 8:30 A.M.
BEFORE JUDGES WOLLMAN, LOKEN, MURPHY

| | | | |
|----|-----------|--|----|
| 1. | 14-1752SI | United States v. Michael Walker, Jr. | 15 |
| 2. | 14-1093SI | United States v. Aurelio Ortiz | 15 |
| 3. | 14-1505SI | United States v. Benjamin Shelabarger, etc. | 15 |
| 4. | 14-1460SI | United States v. Yusuf Jones, etc. | 10 |
| 5. | 14-1515SI | United States v. Julian Collins | 10 |

**DIVISION III
Northeast Courtroom
27th Floor**

**MONDAY, SEPTEMBER 8, 2014, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, COLLOTON, GRUENDER**

| | | | |
|----|-----------|---|----|
| 1. | 14-1205EM | Dirk Askew, et al. v. United States | 20 |
| 2. | 13-1563SI | Suzanne Clark v. Marlene Callahan, etc., et al. | 15 |
| 3. | 13-1953EA | Ray Nassar, etc., et al. v. Earnestine Jackson, etc., et al. | 15 |
| 4. | 13-3671WA | NanoMech, Inc. v. Arunya Suresh | 15 |
| 5. | 13-2773EA | Dolores Comstock, etc. v. UPS Ground Freight, Inc., et al. | 10 |

THERE WILL BE NO CASES ARGUED IN DIVISION III ON TUESDAY.

**DIVISION III
Northeast Courtroom
27th Floor**

**WEDNESDAY, SEPTEMBER 10, 2014, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, COLLOTON, GRUENDER**

| | | | |
|----|-------------------------------------|--|----|
| 1. | 12-3919NI | Cedar Rapids Lodge & Suites, LLC v. Lightowler Johnson Associates, Inc. | 20 |
| 2. | 13-3237EA 13-3485EA | Corey Sanders v. Joe Page, III Corey Sanders v. Joe Page, III, etc. | 15 |
| 3. | 13-2491EA | James Smith v. Sammy Johnson, etc., et al. | 15 |
| 4. | 13-3130WM 13-3131WM 13-3132WM | United States v. Rodney Anderson United States v. Vincent Pisciotta United States v. Mark Sorrentino | 20 |
| 5. | 13-3252EM | Argonaut Great Central Insurance Company v. Audrain County Joint Communications | 20 |

**THURSDAY, SEPTEMBER 11, 2014, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, COLLOTON, GRUENDER**

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|----|-----------|--|----|
| 1. | 13-2834EA | Kendrick Story v. Maxcie Foote, etc., et al. | 15 |
| 2. | 14-1401EM | Jack Noel v. AT&T Corp., et al. | 10 |
| 3. | 13-3416WA | Marvin Reeves v. Lt. Jacob King | 15 |
| 4. | 13-3732SI | Modesto Paulino v. Chartis Claims, Inc., etc. | 10 |
| 5. | 11-3423WM | Rodney Washington v. American Airlines, Inc. | 10 |

**DIVISION III
Northeast Courtroom
27th Floor**

**FRIDAY, SEPTEMBER 12, 2014, BEGINNING AT 8:30 A.M.
BEFORE JUDGES BYE, COLLOTON, GRUENDER**

| | | | |
|----|-----------|---|----|
| 1. | 13-3640NI | Gary Brooks v. United States | 15 |
| 2. | 13-2323NI | Jay Beane v. United States | 15 |
| 3. | 14-1455NI | United States v. Randy Hentges | 15 |
| 4. | 13-3702NI | United States v. Virgil Hubbard, Sr., etc. | 10 |
| 5. | 14-1048NI | United States v. Brion Johnson | 10 |

**DIVISION IV
Southwest Courtroom
27th Floor**

**MONDAY, SEPTEMBER 8, 2014, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BENTON, BEAM, SHEPHERD**

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| 1. | 13-2032WM | Trip Mate, Inc., etc. v. Stonebridge Casualty Insurance Company, et al. | 20 |
| 2. | 13-3621EM | Thomas Ingrassia v. Carol Dicknette, etc., et al. | 15 |
| 3. | 14-1408NI | Bonnie Cole, etc., et al. v. Trinity Health Corporation | 15 |
| 4. | 14-1150EA | Clear Sky Properties, LLC, et al. v. Blake Roussel | 15 |
| 5. | 13-3406SI | Robert Paulson, II v. Newton Correctional Facility, Warden | 15 |

THERE WILL BE NO CASES ARGUED IN DIVISION IV ON TUESDAY.

**DIVISION IV
Southwest Courtroom
27th Floor**

**WEDNESDAY, SEPTEMBER 10, 2014, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BENTON, MELLOY, SHEPHERD**

| | | | |
|----|-----------|---|----|
| 1. | 13-1758 | Cliffs Natural Resources Inc., et al. v. U.S. Environmental Protection Agency, et al. | |
| | 13-1761 | ArcelorMittal USA LLC, et al. v. U.S. Environmental Protection Agency, et al. | |
| | 13-2126 | Cliffs Natural Resources Inc., et al. v. U.S. Environmental Protection Agency, et al. | |
| | 13-2129 | ArcelorMittal USA LLC, et al. v. U.S. Environmental Protection Agency, et al. | |
| | 13-2130 | State of Michigan, et al. v. U.S. Environmental Protection Agency, et al. | 30 |
| 2. | 13-2865EM | Debora Tanner, et al. v. Don Reed, etc., et al. | 20 |
| 3. | 13-3443EA | Ruby Hiser v. XTO Energy, Inc. | 15 |
| 4. | 14-1452EM | Margaret Chiapel v. Novartis Pharmaceuticals Corporation | 10 |
| 5. | 13-3265EA | Karl Adams, III, et al. v. ActionLink, LLC | |
| | 13-3380EA | Jennifer Beauford, etc., et al. v. ActionLink, LLC | 15 |

**THURSDAY, SEPTEMBER 11, 2014, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BENTON, MELLOY, SHEPHERD**

| | | | |
|----|-----------|-------------------------------------|----|
| 1. | 14-1355SI | United States v. Nathan Smith | 10 |
| 2. | 13-3705NI | United States v. Demetrius Hardiman | 10 |
| 3. | 13-3134NI | United States v. Delvonn Battle | 15 |
| 4. | 13-3645EA | Melvin Smith v. URS Corporation | 15 |
| 5. | 14-1404NI | United States v. Kenneth Gragg | 10 |

**DIVISION IV
Southwest Courtroom
27th Floor**

**FRIDAY, SEPTEMBER 12, 2014, BEGINNING AT 8:30 A.M.
BEFORE JUDGES BENTON, MELLOY, SHEPHERD**

| | | | |
|----|-----------|------------------------------------|---------------|
| 1. | 13-3650EM | Reggie Matthews v. United States | 15 |
| 2. | 13-3476NI | United States v. April Tillman | 15 |
| 3. | 14-1129EM | United States v. James Milliner | 15 |
| 4. | 13-3215NI | United States v. Shirley Schmitt | 10 |
| | 13-3281EA | United States v. Charles Hendricks | NO ARG |