



## **ST. PAUL, MINNESOTA DECEMBER 13 - 17, 2021**

**Lavenski R. Smith, Chief Judge - Little Rock, Arkansas**

### **Circuit Judges in Active Service**

**James B. Loken - Minneapolis, MN  
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  
Ralph R. Erickson - Fargo, ND  
L. Steven Grasz - Omaha, NE  
David R. Stras - Minneapolis, MN  
Jonathan A. Kobes - Sioux Falls, SD**

### **Circuit Judges Who Have Taken Senior Status**

**Roger L. Wollman - Sioux Falls, SD  
Morris S. Arnold - Little Rock, AR  
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.

Counsel presenting oral argument should report to the Warren E. Burger Federal Building & U.S. Courthouse at 316 N. Robert Street, St. Paul, Minnesota. Counsel should report to the Fifth Floor of the Courthouse, 45 minutes before Court convenes. Court staff will direct you when you arrive on the floor. For counsel appearing in person in St. Paul, additional materials concerning the protocols for in-person arguments are enclosed.

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 "Oral 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 "Oral 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 the attorney has been appointed to represent a party proceeding in forma pauperis or represents the United States.

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

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**DIVISION I  
Courtroom 5A  
5<sup>th</sup> Floor**

**MONDAY, DECEMBER 13, 2021  
BEFORE JUDGES SMITH, GRUENDER, KOBES**

21-1035	SI	United States v. Jeffrey Schlegel	<b>NO ARG</b>
21-1042	EM	United States v. Conrad Sparkman	<b>NO ARG</b>
21-1070	EA	Kimberly Oden v. Shane Smith Enterprises	<b>NO ARG</b>
21-1073	EA	United States v. Allen Jones	<b>NO ARG</b>
21-1086	SI	United States v. Darnell McConnell, II	<b>NO ARG</b>
21-1178	WA	United States v. Brett Wenger	<b>NO ARG</b>

**TUESDAY, DECEMBER 14, 2021, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES SMITH, GRUENDER, KOBES**

1.	21-1996	Aspro v. Commissioner of Internal Revenue	15
2.	20-3083	MN Minnesota RFL Republican Farmer Labor Caucus, et al. v. Mike Freeman, et al.	15
3.	21-1113	MN Pitman Farms v. Kuehl Poultry, et al.	15
4.	21-1071	ND Marcus Mitchell v. Morton County Sheriff Kyle Kirchmeier, et al.	15
5.	20-3618	MN Christian Action League of Minnesota, et al. v. Mike Freeman, et al.	15

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**WEDNESDAY, DECEMBER 15, 2021, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES SMITH, GRUENDER, KOBES**

1.	21-1890	ND	The Religious Sisters of Mercy, et al. v. Xavier Becerra, et al.	20
2.	21-1784	MN	Sleep Number v. Steven Young, et al.	15
3.	21-1707	MN	Minnetonka Public Schools, et al. v. M.L.K., et al.	
	21-1770	MN	Minnetonka Public Schools, et al. v. M.L.K., et al.	15
4.	21-1731	MN	Pharmaceutical Research and Manufacturers of America v. Stuart Williams, et al.	15
5.	21-1856	NE	Lund-Ross Constructors v. Jay Buchanan, et al.	10

**THURSDAY, DECEMBER 16, 2021, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES SMITH, GRUENDER, KOBES**

1.	20-3559	SD	United States v. Marcin Garbacz	20
2.	21-1235	MN	Kyle Rusness v. Becker County, Minnesota, et al.	15
3.	21-3050	MN	Minnesota Department of Natural Resources, et al. v. White Earth Band of Ojibwe, et al.	15
4.	21-1663	MN	Torgerson Properties v. Continental Casualty Company, et al.	15
5.	20-2884	MN	Wilbert Glover v. Matt Bostrom, et al.	10

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**FRIDAY, DECEMBER 17, 2021, BEGINNING AT 8:30 A.M.  
BEFORE JUDGES SMITH, GRUENDER, KOBES**

1.	20-2936	MN	United States v. Tevin Maurstad	15
2.	20-3065	MN	United States v. Marcus Mattox	
	20-3133	MN	United States v. Marcus Mattox	15
3.	21-1916	SD	United States v. Ricky Bagola	15
4.	21-1191	ND	United States v. Jose Perez	15
5.	21-2151	MN	United States v. Wayne Fisher	10