



**ST. PAUL, MINNESOTA
OCTOBER 21 - 25, 2013**

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 Warren E. Burger Federal Building & U.S. Courthouse at 316 N. Robert Street, St. Paul, Minnesota. Counsel presenting oral argument should report to the Clerk's Office, Room 500, 30 minutes before Court convenes.

The cases listed for argument on Thursday in Division III will be heard at University of Minnesota Law School, Walter F. Mondale Hall, 229 19th Avenue South, Minneapolis, Minnesota. Counsel presenting oral argument should report to Room 25, Lockhart Hall 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
www.ca8.uscourts.gov

Updated 10/23/2013

**DIVISION I
Courtroom 5A**

**MONDAY, OCTOBER 21, 2013
BEFORE JUDGES RILEY, MURPHY, COLLOTON**

			CYZ
12-3253	MN	United States v. LaQuan Carter	NO ARG
13-1147	MN	Lana Schulz, et al. v. Wells Fargo Bank	NO ARG
13-1339	SI	United States v. Ontario Rush-Richardson	NO ARG
12-2837	MN	United States v. Milton Rucker, Jr.	NO ARG
12-3824	MN	United States v. Robert Downwind	NO ARG
13-1164	MN	Etta Bracewell, et al. v. U.S. Bank National Association	NO ARG

BEFORE JUDGES RILEY, BYE, MELLOY

12-3200	MN	John Schedin v. Ortho-McNeil-Janssen Pharmaceuticals	NO ARG
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****EN BANC SESSION****

TUESDAY, OCTOBER 22, 2013 BEGINNING AT 9:00 A.M.

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

			CYZ
11-1850	WM	Lewis Brothers Bakeries Incorporated and Chicago Baking Company, et al. v. Interstate Brands Corporation	20
11-2444	NE	United States v. Alfred Tucker	
11-2489	NE	United States v. Alfred Tucker	15

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

12-2052	EA	Jane Doe v. City of Marianna, Arkansas	20
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**DIVISION I
Courtroom 5A**

**WEDNESDAY, OCTOBER 23, 2013 BEGINNING AT 9:00 A.M.
BEFORE JUDGES RILEY, COLLOTON, KELLY**

				CYZ
1	12-3062	ND	Phillip Armstrong, et al. v. Berco Resources, et al.	15
2	12-3585	MN	Allied Sales Drivers and Warehousemen, Local No. 289, et al. v. Sara Lee Bakery Group, et al.	15
3	12-3765	SD	Argus Leader Media v. United States Department of Agriculture	15
4	12-3308	ND	Commercial Resource Group v. The J. M. Smucker Company	15
	13-1437	MN	Zack Dyab v. United States	NO ARG

**DIVISION I
Courtroom 5A**

**THURSDAY, OCTOBER 24, 2013 BEGINNING AT 9:00 A.M.
BEFORE JUDGES RILEY, COLLOTON, KELLY**

				LMT
1	13-1118	MN	Annex Medical, et al. v. Kathleen Sebelius, et al.	20
2	12-3357	EM	Frank O'Brien, Jr., et al. v. United States Department of Health and Human Services, et al.	20
3	12-3846	MN	Mark Becker, et al. v. International Brotherhood of Teamsters Local 120	15
4	12-3223	MN	Curtis Cich v. National Life Insurance Company, et al.	15
5	12-4038	MN	Monty Fagnan v. City of Lino Lakes, Minnesota, et al.	15
6	13-1332	MN	Jane Hall v. Metropolitan Life Insurance Company, et al.	15

**BEGINNING AT 3:00 P.M.
BEFORE JUDGES MURPHY, COLLOTON, BENTON**

12-2099	WM	Joseph Grooms v. United States	REMOVED
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**FRIDAY, OCTOBER 25, 2013 BEGINNING AT 8:30 A.M.
BEFORE JUDGES RILEY, COLLOTON, KELLY**

				JMM
1	13-1231	MN	United States v. John Douglas	15
2	13-1182	ND	United States v. Fred Thompson	15
3	13-1348	SD	United States v. Anthony Fast Horse	15
	13-1509	ND	United States v. Sean Conklin	NO ARG
	13-1207	MN	United States v. Lewis Pate	REMOVED

**DIVISION II
Courtroom 5B**

**MONDAY, OCTOBER 21, 2013
BEFORE JUDGES BYE, SMITH, BENTON**

13-1268	MN	United States v. Bryant Griffin	JMH NO ARG
13-1345	MN	United States v. Michael Geraci	NO ARG
13-1590	MN	United States v. Wendell Brown	NO ARG
13-1852	SD	United States v. Kyle Yankton	NO ARG
13-1326		Jose Barajas-Salinas v. Eric H. Holder, Jr.	NO ARG
13-2027	SD	United States v. Wesley Dillon, Sr.	NO ARG

**TUESDAY, OCTOBER 22, 2013
THERE WILL BE NO ORAL ARGUMENTS IN DIVISION II**

**WEDNESDAY, OCTOBER 23, 2013 BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, SMITH, BENTON**

			JMH
12-3534		Jose Constanza-Martinez v. Eric H. Holder, Jr.	NO ARG
12-3653		Felicia Zeah v. Eric H. Holder, Jr.	NO ARG
1	13-1300	MN	Judith Schermer, et al. v. Municipal Building Commission, et al. 15
	12-3359		Shaun Roberts v. Eric H. Holder, Jr. NO ARG
2	12-3330	SD	Dakota Foundry v. Tromley Industrial Holdings 15

**DIVISION II
Courtroom 5B**

**THURSDAY, OCTOBER 24, 2013 BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, GRUENDER, SHEPHERD**

				JMH	
1	13-2041	SD	United States v. Edward Picardi, MD		20
2	13-1235		Billy Armstrong, et al. v. Commissioner of Internal Revenue		
	13-2064		David Hanson, et al. v. Commissioner of Internal Revenue		15
3	13-1099	MN	United States of America, ex rel. Michael Dunn v. North Memorial Health Care, et al.		15
4	12-3899		John Stoebner v. San Diego Gas & Electric Company, et al.		
	12-4011		John Stoebner v. Southern California Edison Company		15
5	12-3990	MN	United States v. Dean Wilkens		15

**FRIDAY, OCTOBER 25, 2013 BEGINNING AT 8:30 A.M.
BEFORE JUDGES LOKEN, GRUENDER, SHEPHERD**

				JMH	
	13-1355	MN	United States v. Troy Huston		
	13-1372	MN	United States v. Chad Anderson		NO ARG
	12-4009	MN	United States v. Calvin Bankhead		NO ARG
	12-4008	NI	United States v. Nathan Melton		NO ARG
	12-3651		Luis Garcia-Gonzalez v. Eric H. Holder, Jr.		NO ARG

**DIVISION III
Courtroom 5C**

**MONDAY, OCTOBER 21, 2013
BEFORE JUDGES GRUENDER, BEAM, SHEPHERD**

			LMT
12-3882	MN	United States v. Lyons Bynum	NO ARG
12-3883	MN	United States v. William Williams	NO ARG
13-1034	MN	Edward Johnson, et al. v. Daniel Johnson, et al.	NO ARG
13-1662	MN	United States v. Deandre Franklin	NO ARG
13-1318	MN	United States v. Richard Woods	NO ARG
13-1470	NI	United States v. Angel Solano-Fierro	NO ARG

**TUESDAY, OCTOBER 22, 2013
THERE WILL BE NO ORAL ARGUMENTS IN DIVISION III**

**WEDNESDAY, OCTOBER 23, 2013 BEGINNING AT 9:00 A.M.
BEFORE JUDGES GRUENDER, BEAM, SHEPHERD**

			LMT	
1	13-1382	MN	Wes Colombe v. Rosebud Sioux Tribe, et al.	
	13-1512	MN	Wes Colombe v. Rosebud Sioux Tribe, et al.	20
2	12-4049	MN	Loftness Specialized Farm Equipment v. Terry Twiestmeyer, et al.	15
3	12-3528	MN	Charles Bethel, II, et al. v. Darwin Select Insurance Company	15
4	12-3249	ND	Ron Nord v. Walsh County, et al.	15
5	12-3625	MN	Dave Thomas v. United Steelworkers Local 1938, et al.	15

DIVISION III

****SPECIAL SESSION ****

AT

UNIVERSITY OF MINNESOTA LAW SCHOOL

THURSDAY, OCTOBER 24, 2013 BEGINNING AT 9:00 A.M.

BEFORE JUDGES BYE, SMITH, BENTON

JMM

1	12-3130	MN	Carol Mack, et al. v. Stryker Corporation, et al.	15
2	12-3463		Bassem Mansour v. Eric H. Holder, Jr.	15
3	12-3545	MN	Mary Branch v. Officer Timothy Gorman, et al.	15

**DIVISION III
Courtroom 5C**

**FRIDAY, OCTOBER 25, 2013 BEGINNING AT 8:30 A.M.
BEFORE JUDGES BYE, SMITH, BENTON**

				LMT	
1	13-1317	NI	United States v. David Holleman		15
	13-1694	NI	United States v. Raymond Cortez	NO ARG	
2	12-3224	NI	Lorenzo Roundtree v. United States		10
	12-3760	MN	United States v. Daniel Ruacho	NO ARG	
	12-3972	NI	United States v. Michael Goodale	NO ARG	