



**SEPTEMBER 22 - 26, 2008
ST. LOUIS, MISSOURI**

James B. Loken, Chief Judge - Minneapolis, Minnesota

Circuit Judges in Active Service

**Roger L. Wollman - Sioux Falls, SD
Diana E. Murphy - Minneapolis, MN
Kermit E. Bye - Fargo, ND
William Jay Riley - Omaha, NE
Michael J. Melloy - Cedar Rapids, IA
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**

Circuit Judges Who Have Taken Senior Status

**Myron H. Bright - Fargo, ND
John R. Gibson - Kansas City, MO
Pasco M. Bowman - Kansas City, MO
C. Arlen Beam - Lincoln, NE
David R. Hansen - Cedar Rapids, IA
Morris S. Arnold - Little Rock, AR**

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.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. 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

Revised: 9/12/08

DIVISION I
28th Floor
En Banc Courtroom

MONDAY, SEPTEMBER 22, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, WOLLMAN, SMITH

| | | | BDG |
|----|-----------|---|------------|
| 1. | 08-1376 | Falcon Creditor Trust v. First Insurance Funding, et al. | 20 |
| 2. | 07-3099EM | B.W.A., etc., et al. v. Farmington R-7 School District, et al. | 15 |
| 3. | 08-1276EA | Thomas Jerry Gibson, Jr. v. Regions Financial Corporation, et al. | 15 |
| 4. | 08-1260EA | Richard Roeben v. BG Excelsior Limited Partnership, etc., et al. | 15 |

TUESDAY, SEPTEMBER 23, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, WOLLMAN, SMITH

| | | | BNS |
|----|------------------------|--|------------------|
| | 08-1156SI | United States v. Robert Zazueta-Apodaca | DISMISSED |
| 1. | 08-1331SI 08-1332SI | United States v. Geno Webb United States v. Micaiah Rey, etc. | 15 |
| 2. | 08-1796NI | United States v. Melissa Miner | 10 |
| | 08-1149SI | United States v. Bobby Littrell, Jr. | NO ARG |
| 3. | 08-1304NI | United States v. Ashkelon Barrett | 10 |

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

**WEDNESDAY, SEPTEMBER 24, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, SMITH, GRUENDER**

| | | | LMT |
|----|-----------|---|----------------|
| 1. | 05-4381EA | Bruce Earl Ward v. Larry Norris, etc. | |
| | 07-2015EA | Bruce Earl Ward v. Larry Norris, etc. | 30 |
| 2. | 08-1103NE | Rodney A. Ballard v. David Heineman, Governor, etc., et al. | 15 |
| 3. | 08-1172SI | Steven T. Owen v. Michael J. Astrue, etc. | 15 |
| | 07-3899NI | Cedar Rapids Television Company, etc. v. MCC Iowa, LLC, et al. | REMOVED |
| 4. | 08-1425SI | Gary W. Finch v. Michael J. Astrue, etc. | 15 |

**** EN BANC SESSION ****

BEGINNING AT 2:00 P.M.

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

| | | |
|-----------|-----------------------------------|----|
| 04-2901NI | United States v. Travis Ray Burns | |
| 04-2933NI | United States v. Travis Ray Burns | 20 |

BEGINNING AT 3:00 P.M.

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

| | | |
|-----------|--|----|
| 07-2481EA | Shawanna Nelson, et al. v. Larry Norris, etc., et al. | 20 |
|-----------|--|----|

DIVISION I
28th Floor
En Banc Courtroom

THURSDAY, SEPTEMBER 25, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, SMITH, GRUENDER

| | | | LLB |
|----|-----------|---|----------------|
| 1. | 08-1442EA | AR Blue Cross Blue Shield, etc., et al. v. St. Vincent Infirmary Medical Center, et al. | |
| | 08-1443EA | AR Blue Cross Blue Shield, etc., et al. v. St. Vincent Infirmary Medical Center, et al. | 20 |
| 2. | 07-3873 | Baraka Jerry Dukuly v. Michael B. Mukasey, etc. | 15 |
| 3. | 07-3528SI | Lawrence Gladson, et al. v. Iowa Department of Corrections, et al. | 15 |
| 4. | 08-1530 | Josephine Kemunto Manani v. Michael B. Mukasey, etc. | 15 |
| | 08-1325NE | Contemporary Industries Corporation, etc., et al. v. Terry G. Frost, et al. | REMOVED |

FRIDAY, SEPTEMBER 26, 2008, BEGINNING AT 8:30 A.M.
BEFORE JUDGES WOLLMAN, SMITH, GRUENDER

| | | | SRD |
|----|-----------|--|----------------|
| 1. | 08-1609EA | Bruce Mouser v. Michael J. Astrue, etc. | 15 |
| 2. | 07-2859 | Aleksandr M. Skurtu v. Michael B. Mukasey, etc. | 15 |
| 3. | 07-3824EA | Devonna Culpepper v. Mike Johanns, etc. | 15 |
| 4. | 07-3895 | Irene Clemente-Giron v. Michael B. Mukasey, etc. | 10 |
| | 08-1503EA | Brenda C. Owens v. United States Department of the Army, etc. | REMOVED |

DIVISION II
27th Floor
Southeast Courtroom

MONDAY, SEPTEMBER 22, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, ARNOLD, BENTON

| | | | DMH |
|----|------------------------|--|------------|
| 1. | 07-2600WM 08-2109WM | United States v. John P. Street, etc. United States v. John P. Street, etc. | 20 |
| 2. | 08-1351SI | Julie J. Underhill v. United Parcel Service, Inc. | 15 |
| 3. | 07-3613NI 07-3614NI | United States v. Zhang Jian Long, etc. United States v. Dongyan Huang, etc. | 10 |
| 4. | 08-1564EM | United States v. Danny Ray Hart | 10 |

2:00 P.M. BEFORE JUDGES MURPHY, HANSEN, RILEY

| | | | |
|--|-----------|----------------------------|----|
| | 06-1103EM | United States v. Ruth Kane | 15 |
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TUESDAY, SEPTEMBER 23, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, ARNOLD, BENTON

| | | | CMD |
|--|-----------|--|---------------|
| | 08-2043NI | United States v. Donald Smith, etc. | NO ARG |
| | 07-3791EM | United States v. Jay Scott Patterson | NO ARG |
| | 08-1427SI | United States v. Michael Rasavanh | NO ARG |
| | 08-2019SI | United States v. Sagrario Valdez, etc. | NO ARG |

DIVISION II
27th Floor
Southeast Courtroom

WEDNESDAY, SEPTEMBER 24, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, ARNOLD, BENTON

| | | | BWB |
|----|-----------|--|---------------|
| 1. | 08-1511NE | Daniel Kosmicki v. Burlington Northern and Santa Fe Railway Company | 15 |
| 2. | 07-3660 | Nora E. Keating v. Commissioner of Internal Revenue | |
| | 08-1266 | Richard L. Shearer v. Commissioner of Internal Revenue | 15 |
| | 08-2033SI | United States v. Robert Andre Clay | NO ARG |
| 3. | 08-1390 | Missouri Coalition for the Environment, et al. v. Federal Energy Regulatory Commission | 15 |
| 4. | 08-1335SI | United States v. Graeme Pierson | 10 |

THURSDAY, SEPTEMBER 25, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, BOWMAN, BENTON

| | | | MDS |
|----|-----------|--|---------------|
| 1. | 08-1054EA | All-Ways Logistics, Inc. v. USA Truck, Inc., et al. | 20 |
| 2. | 08-1889SI | David Shannon, Sr. v. Barilla America, Inc., et al. | 15 |
| | 08-1044EM | United States v. Buddy Gene Blagg | NO ARG |
| 3. | 08-1284NE | Elaine L. Chao, etc. v. Barbeque Ventures, LLC, et al. | 15 |
| 4. | 08-2000EM | United States v. Karrie L. Guler | 10 |

2:00 P.M. BEFORE JUDGES WOLLMAN, BRIGHT, GIBSON

| | | | |
|--|-----------|--|----|
| | 06-3438EM | United States v. Christopher James Lee | 15 |
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DIVISION II
27th Floor
Southeast Courtroom

FRIDAY, SEPTEMBER 26, 2008, BEGINNING AT 8:30 A.M.
BEFORE JUDGES MURPHY, BOWMAN, BENTON

| | | | |
|----|-----------|--|---------------|
| | 08-1694EA | Willis Smith and Company, Inc. v. State of Arkansas, et al. | LAB |
| | 08-1763EA | Triple S Spraybays v. State of Arkansas, et al. | NO ARG |
| 1. | 08-1344WA | Heritage Constructors, Inc. v. City of Greenwood, Arkansas, et al. | 15 |
| | 07-2713EM | Tommy Eugene Reed v. City of St. Charles, Missouri, et al. | NO ARG |
| 2. | 08-1231WA | Robert William Koch, etc., et al. v. Southwestern Electric Power Company, etc. | 15 |
| | 07-3358EA | Frank E. Tappin, et al. v. Tommy Goodwin, etc., et al. | NO ARG |
| 3. | 07-3538NE | United States v. Ralph Cordy | 15 |

DIVISION III
27th Floor
Northeast Courtroom

MONDAY, SEPTEMBER 22, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, BEAM, COLLOTON

| | | | JPP |
|----|-----------|---|---------------|
| 1. | 07-3166SD | Kathleen M. Hackett v. Standard Insurance Company | 15 |
| 2. | 08-1082EA | Jamila Phillips v. Cathie Mathews, etc., et al. | 15 |
| | 08-1548NI | United States v. Chris Pipkin | NO ARG |
| 3. | 08-1353EA | Al McCullough v. University of Arkansas, for Medical Sciences, et al. | 15 |
| 4. | 08-1508WA | United States v. Gregg Michael Langley | 15 |
| 5. | 08-2097NI | United States v. Daniel Eric Beenen | 10 |

TUESDAY, SEPTEMBER 23, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, BEAM, COLLOTON

| | | | TAB |
|----|-----------|--|---------------|
| 1. | 08-1613EM | United States v. Charles Barron | 15 |
| 2. | 08-1575WA | United States v. Ascencion Diaz | 10 |
| 3. | 08-1623EM | United States v. Christopher Adam Walley | 10 |
| | 08-1523WA | United States v. Frank Jeremy Wallace | NO ARG |

DIVISION III
27th Floor
Northeast Courtroom

WEDNESDAY, SEPTEMBER 24, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, BEAM, SHEPHERD

| | | | DMS |
|----|-----------|---|-----------------|
| 1. | 07-3840 | GAF Holdings, LLC v. Philip Rinaldi, et al. | |
| | 07-3929 | GAF Holdings, LLC v. J.P. Morgan Trust Company, etc. | |
| | 07-3931 | GAF Holdings, LLC v. Stanley Riemann | |
| | 07-3932 | GAF Holdings, LLC v. Robert Terry | 20 |
| | 08-1059SI | Allan Lane v. Michael J. Astrue, etc. | REMANDED |
| | 07-3782 | James Morgan, et al. v. Jo-Anne L. Goldman, et al. | REMOVED |
| 2. | 08-1186SI | Christina M. Wiese v. Michael J. Astrue | 15 |
| | 08-1317NE | United States v. Gabriel E. Pando | NO ARG |

THURSDAY, SEPTEMBER 25, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, BEAM, SHEPHERD

| | | | MER |
|----|-----------|--|----------------|
| 1. | 07-3866EA | B & B Hardware, Inc., etc. v. Hargis Industries, Inc., etc., et al. | 20 |
| 2. | 07-3945 | Maricela Arellano-Hernandez v. Michael B. Mukasey, etc. | 15 |
| 3. | 08-1302NE | Calvin R. Silva v. Robert Houston | 15 |
| | 07-3715 | Ana Rosa Ochoa v. Michael B. Mukasey, etc. | REMOVED |
| 4. | 08-1911NE | United States v. Warren Blankenship | 10 |

DIVISION III
27th Floor
Northeast Courtroom

FRIDAY, SEPTEMBER 26, 2008, BEGINNING AT 8:30 A.M.
BEFORE JUDGES BYE, BEAM, SHEPHERD

| | | | JMH |
|----|-----------|---|------------|
| 1. | 08-1712EM | Fru-Con Construction Corporation, et al. v. Controlled Air, Inc., etc. | 15 |
| 2. | 08-1343EA | Jeanette Jackson v. United Parcel Service, Inc. | 15 |
| 3. | 08-1498EM | Michael Ray Reed v. Lear Corporation | 15 |
| 4. | 08-1192EA | Talmadge Scobey v. Nucor Steel-Arkansas | 15 |
| 5. | 08-1747EM | Semi-Materials Co., Ltd. v. MEMC Electronic Materials, Inc., et al. | 15 |

DIVISION IV
27th Floor
Southwest Courtroom

MONDAY, SEPTEMBER 22, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES RILEY, HANSEN, MELLOY

| | | | | |
|----|------------------------|--|---------------|----|
| 1. | 08-1310NI | United States v. Cedric Jarreau Hawkins | KAS | 15 |
| 2. | 08-2126NI 08-2171NI | United States v. David Matthew Howell United States v. Charles Edward Thomas | | 20 |
| 3. | 07-3846WA | Jeannine Presley, etc., et al. v. Lakewood Engineering and Manufacturing Company | | 15 |
| 4. | 08-1491EA | Independence County, Arkansas, et al. v. Pfizer, Inc., et al. | | 15 |
| | 08-1657EM | United States v. Roderick Maxie | NO ARG | |

TUESDAY, SEPTEMBER 23, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES RILEY, HANSEN, MELLOY

| | | | | |
|----|-----------|--|------------------|----|
| 1. | 07-2428NI | United States v. Dorian Ragland, etc. | ABC | 20 |
| | 08-1341NI | United States v. Brook Allen Walton | DISMISSED | |
| | 08-1126EA | United States v. Laleroy James Hampton | NO ARG | |
| 2. | 08-1489EA | United States v. Jennifer Corey Spikes | | 10 |

**Division IV
27th Floor
Southwest Courtroom**

**WEDNESDAY, SEPTEMBER 24, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES RILEY, HANSEN, MELLOY**

| | | | YML |
|----|-----------|---|----------------|
| 1. | 08-1012 | Mykola Mykolalayevich Khrystodorov, et al. v. Michael B. Mukasey, etc. | 15 |
| | 07-2921EA | Susan Vaughn v. Christopher L. Gray, etc., et al. | REMOVED |
| | 08-1298 | Bassel R. Banat v. Michael B. Mukasey, etc. | REMOVED |
| 2. | 08-1092EM | United States v. Karen Hartstein | 15 |
| | 08-1221EA | Willie Littleton v. Pilot Travel Centers, LLC | REMOVED |

**THURSDAY, SEPTEMBER 25, 2008, BEGINNING AT 9:00 A.M.
BEFORE JUDGES RILEY, BRIGHT, MELLOY**

| | | | LAD |
|----|-----------|--|------------|
| 1. | 06-4068EA | Jimmy Don Wooten v. Larry Norris, etc. | 30 |
| 2. | 08-1116NE | Jose G. Diaz-Diaz v. United States | 15 |
| 3. | 07-2385WA | Andrew Sasser v. Larry Norris, etc. | 20 |
| 4. | 08-1855NE | United States v. Luis Alberto Erenas-Luna, etc. | 10 |
| 5. | 08-1364EM | United States v. Brandon K. Hill | 10 |

DIVISION IV
27th Floor
Southwest Courtroom

FRIDAY, SEPTEMBER 26, 2008, BEGINNING AT 8:30 A.M.
BEFORE JUDGES RILEY, BRIGHT, MELLOY

| | | | PAW |
|----|-----------|--|------------|
| 1. | 07-3428 | Boutros Chafic Habchy v. Michael B. Mukasey, etc. | 15 |
| 2. | 07-3938WA | Charles Brooks Co., et al. v. Georgia-Pacific, LLC | |
| | 08-1026WA | Charles Brooks Co., et al. v. Georgia-Pacific, LLC | 15 |
| 3. | 07-3443 | Noel Malonga v. Michael B. Mukasey, etc. | 15 |
| 4. | 08-1175EA | Barry J. Jewell v. United States | 15 |
| 5. | 08-1137WA | Triple H Debris Removal, Inc. v. Companion Property and Casualty Insurance Company | 15 |