

Post-Rapanos Caselaw (as of June 22, 2010)

A. Decisions of the Courts of Appeals

1. *United States v. Gerke Excavating, Inc.*, 464 F.3d 723 (7th Cir. Sept. 22, 2006), *petition for rehearing and rehearing en banc denied*, Dec. 1, 2006, *petition for certiorari denied*, Oct. 1, 2007
2. *United States v. Charles Johnson, et al.*, 467 F.3d 56 (1st Cir. Oct. 31, 2006), *petition for rehearing and rehearing en banc denied*, Feb. 21, 2007, *petition for certiorari denied*, Oct. 9, 2007
3. *San Francisco Baykeeper v. Cargill Salt Division*, No. 04-17554, 2007 WL 686352 (9th Cir. Mar. 8, 2007)
4. *United States v. Moses*, 496 F.3d 984 (9th Cir. Aug. 3, 2007), *petition for rehearing en banc denied*, September 24, 2007, *petition for certiorari denied*, June 23, 2008
5. *Northern California River Watch v. City of Healdsburg*, 496 F.3d 993 (9th Cir. Aug. 6, 2007), *petition for certiorari denied*, Feb. 19, 2008
6. *United States v. McWane*, 505 F.3d 1208 (11th Cir. Oct. 24, 2007), *petition for rehearing en banc denied*, 521 F.3d 1319 (Mar. 27, 2008), *petition for certiorari denied*, Dec. 1, 2008
7. *United States v. Robert J. Lucas, Jr.*, 516 F.3d 316 (5th Cir. Feb. 1, 2008), *petition for certiorari denied*, Oct. 15, 2008
8. *United States v. George Rudy Cundiff*, 555 F.3d 200 (6th Cir. Feb. 4, 2009), *petition for certiorari denied*, October 5, 2009
9. *United States v. Gary Bailey*, 571 F.3d 791 (8th Cir. July 9, 2009)

B. Significant Decisions of the District Courts (Presently on Appeal)

1. *Precon Development Corporation, Inc. v. United States Army Corps of Engineers*, 2009 WL 3156685 (E.D. Va. Sept. 4, 2009), *appeal pending* (4th Cir.)

C. Significant Decisions of the District Courts (Not Presently on Appeal)

1. *United States v. Chevron Pipe Line Co.*, 437 F. Supp. 2d 605 (N.D. Tex. June 28, 2006)

2. ***United States v. Evans***, No. 3:05 CR 159 J 32HTS, 2006 WL 2221629 (M.D. Fla. Aug. 2, 2006)
3. ***United States v. Marion L. Kincaid Trust, et al.***, No. 02-10149 (E.D. Mich. Nov. 3, 2006)
4. ***Sierra Club v. United States Corps of Engineers***, No. 3:05-cv-362, 2006 WL 3365609 (M.D. Fla. Nov. 19, 2006)
5. ***Environmental Protection Information Center v. Pacific Lumber Co.***, No. C 01-2821, 2007 WL 43654 (S.D. Cal. Jan. 8, 2007)
6. ***Simsbury-Avon Preservation Society, LLC v. Metacon Gun Club, Inc.***, 472 F. Supp. 2d 219 (D. Conn. Jan. 31, 2007), *aff'd on other grounds*, 575 F.3d 129 (2d Cir. July 31, 2009)
7. ***United States v. John Pozsgai***, No. 88-6545 (E.D. Pa. Mar. 8, 2007), *appeal dismissed*, (3d Cir. Feb. 6, 2009)
8. ***United States v. Rowland Fabian***, No. 2:02-CV-495 (N.D. Ind. Mar. 29, 2007), *motion for reconsideration denied*, Oct. 5, 2007
9. ***United States v. Sea Bay Development Corp.***, No. 2:06cv624, 2007 WL 1169188 (E.D. Va. April 18, 2007)
10. ***United States and Ohio v. Ike Parker***, No. 3:91CV7482, 2007 WL 1467546 (N.D. Ohio May 18, 2007)
11. ***United States v. Gerald Lippold***, No. 06-30002, 2007 WL 3232483 (C.D. Ill. Oct. 31, 2007)
12. ***United States v. Charles Robison***, 521 F. Supp. 2d 1247 (N.D. Ala. Nov. 7, 2007)
13. ***Natural Resources Defense Council v. Kempthorne***, 525 F. Supp. 2d 115 (D.D.C. Nov. 30, 2007)
14. ***United States v. Ivan Cam***, CR 05-141-KI (D. Or. Dec. 21, 2007)
15. ***United States v. Keith David Rosenblum***, Crim. No. 07-294, 2008 WL 582356 (D. Minn. Mar. 3, 2008)
16. ***American Petroleum Institute v. Johnson***, 541 F. Supp. 2d 165 (D.D.C. Mar. 31, 2008)

17. *Sierra Club v. City and County of Honolulu*, CV. No. 04-00463, 2008 WL 3850495 (D. Haw. Aug. 18, 2008)
18. *John Benjamin v. Douglas Ridge Rifle Club*, 673 F. Supp. 2d 1210 (D. Or. Dec. 1, 2009)
19. *National Association of Home Builders v. United States Army Corps of Engineers*, (D. D.C.), 2010 WL 12222073 (Mar. 30, 2010)