

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, January 20, 2009

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Martin, Cook, Watson**

07-2278 USA v. Charles Abbey

Eastern District of Michigan at Flint P. Gadola

In this criminal action tried to a jury, defendant appeals his conviction of conspiracy to bribe a public official and solicitation of a bribe and extortion by a public official. (15 Minutes Per Side)

08-5384 Glen McDaniel v. Kindred Healthcare, Inc.

Eastern District of Tennessee of Chattanooga R. Edgar

Plaintiff appeals the summary judgment for defendant in this Title VII and ADA action for race and age discrimination. (15 Minutes Per Side)

08-5047 USA v. Frankie Welch

Western District of Tennessee at Jackson J. Todd

Defendant appeals his conviction and sentence following his guilty plea to possession of cocaine base with intent to distribute. (15 Minutes Per Side)

08-1132 Jerry Crawford, et al. v. TRW Automotive U.S.

Eastern District of Michigan at Detroit P. Duggan

08-1777 Jerry Crawford, et al. v. TRW Automotive U.S.

Eastern District of Michigan at Detroit P. Duggan

In this ERISA action challenging the closure of a manufacturing and assembly plant, plaintiffs appeal the summary judgment for defendants and the denial of their motion for reconsideration, and the denial of their motion for relief from judgment. (15 Minutes Per Side)

08-3218 Basel Farraj v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies withholding of removal, protection under the Convention Against Torture Act and cancellation of removal. (15 Minutes Per Side)

08-5537 USA v. Tanz Samuels

Eastern District of Kentucky at Covington D. Bunning

Defendant appeals the order denying his motion to dismiss the indictment and his subsequent conviction and sentence for failure to register as a sex offender. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, January 20, 2009

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Moore, Clay, Kethledge**

06-5555 USA v. Jordan

Eastern District of Tennessee of Chattanooga C. Collier

Defendant appeals his conviction and sentence following his guilty plea to possession of a firearm by a convicted felon, possession with intent to distribute marijuana and possession of a firearm in furtherance of a drug trafficking offense. (To Be Submitted On Briefs)

08-3282 Philip Charvat v. GVN Michigan, Inc.

Southern District of Ohio at Columbus A. Marbley

Plaintiff appeals the summary judgment for defendant and dismissal of this action for breach of the Telephone Consumer Protection Act, Telephone Sales Solicitations Act and Ohio Consumer Sales Practices Act. (15 Minutes Per Side)

08-5022 USA v. Gregorio Basulto-Pulido

Middle District of Tennessee at Nashville T. Campbell

Defendant appeals his conviction and sentence following his guilty plea to illegal reentry by a previously deported aggravated felon. (To Be Submitted On Briefs)

07-2115 Jeffrey Moldowan v. City of Warren, et al.

Eastern District of Michigan at Detroit A. Taylor

07-2116 Jeffrey Moldowan v. Allan Warnick

Eastern District of Michigan at Detroit A. Taylor

07-2117 Jeffrey Moldowan v. Maureen Fournier

Eastern District of Michigan at Detroit A. Taylor

Defendants in this civil rights wrongful prosecution action appeal the orders denying their motions for summary judgment insofar as they asserted defenses of qualified immunity. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

06-4413 USA v. Bell

Northern District of Ohio at Cleveland J. Adams

Defendant appeals the judgment of sentence entered on his guilty plea to possession with intent to distribute cocaine base. (15 Minutes Per Side)

08-3330 Kerr Corporation v. Freeman Manufacturing & Supply

Northern District of Ohio at Cleveland A. Aldrich

Plaintiff appeals the partial summary judgment for defendant, made final by a subsequent stipulated dismissal, in this action under the Lanham Act and Ohio's Deceptive Trade Practices Act. (15 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, January 20, 2009

403 - 4th Floor Courtroom, 1:30 P.M.

Before: **Cole, Gibbons, Bell**

08-3321 Nelly Lockhart v. Michael Chertoff, et al.

Northern District of Ohio at Cleveland K. O'Malley

Respondent appeals the summary judgment for petitioner in this action seeking a declaratory judgment that petitioner is entitled to treatment as an immediate relative under the immigration statutes. (15 Minutes Per Side)

07-5416 USA v. Hyler

Middle District of Tennessee at Nashville W. Haynes

Defendant appeals his conviction and sentence following his guilty plea to possession of a firearm by a convicted felon. (15 Minutes Per Side)

08-1238 Mechanical Contractors Associa v. GEM Industrial, Inc.

Eastern District of Michigan at Detroit N. Edmunds

Defendant appeals the summary judgment for plaintiff in this labor action finding defendant was required to pay contributions required by the collective bargaining agreement. (15 Minutes Per Side)

07-3465 USA v. May

Southern District of Ohio at Dayton W. Rice

Defendant appeals his conviction by jury and sentence for tax evasion and willful failure to account for and pay over payroll taxes. (15 Minutes Per Side)

08-3339 Tommy Fuller v. CMHA, et al.

Northern District of Ohio at Cleveland D. Polster

Plaintiff appeals the summary judgment for defendants and dismissal of the complaint in this action under 42 U.S.C. Section 1983 for excessive force, unreasonable search and seizure, and other claims. (15 Minutes Per Side)

07-6210 USA v. Randall Zellars, et al.

Eastern District of Kentucky at London D. Reeves

Defendant appeals the order denying his motion to dismiss and his subsequent conviction and sentence for possession of a firearm by a convicted felon and possession of body armor by a violent felon. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, January 20, 2009

607 - 6th Floor West Courtroom, 2:30 P.M.

Before: **Siler, Clay, Cook**

07-6225 Edward Harbison v. George Little, et al.

Middle District of Tennessee at Nashville A. Trauger

Defendants appeal the judgment holding Tennessee's lethal injection protocol violates The Eighth Amendment and enjoining the execution of the plaintiff. (30 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, January 20, 2009

636 - 6th Floor East Courtroom, 2:00 P.M.

Before: **McKeague, Griffin, Weber**

07-2242 Taylor Acquisitions, L.L.C. v. City of Taylor, et al.

Eastern District of Michigan at Detroit S. Cox

Plaintiff appeals the summary judgment for defendants in this action alleging that the failure to approve the final site plans for a proposed residential development and the cancellation of a land purchase agreement violated plaintiff's due process and equal protection rights. (15 Minutes Per Side)

07-5519 Javaherpour v. USA

Eastern District of Tennessee at Winchester R. Edgar

Petitioner appeals a district court judgment that denied his motion to vacate sentence filed under 28 USC Â§ 2255.(15 Minutes Per Side)

08-3055 Diana Vistein v. The American Registry of Radio

Northern District of Ohio at Cleveland L. Wells

Plaintiff appeals the summary judgment in favor of the defendant and the denial of injunctive and declaratory relief in this action raising federal and state claims arising from the defendant's revocation of certification as a radiologic technologist. (15 Minutes Per Side)

07-5512 USA v. Wilkins

Eastern District of Tennessee of Chattanooga C. Collier

Defendant appeals his jury conviction and sentence for two counts of wire fraud and two counts of false statements. (To Be Submitted On Briefs)

08-3100 Local 219 Plumbing and Pipefit, et al. v. Buck Consultants, LLC, et al.

Northern District of Ohio at Youngstown P. Economus

Plaintiff appeals the judgment on the pleadings for defendant in this action for professional negligence and other claims. (15 Minutes Per Side)

07-4267 Samba Diallo v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies asylum, withholding, and protection under the CAT. (15 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, January 21, 2009

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Cole, Gibbons, Bell**

08-6014 Answers in Genesis of Kentucky v. Creation Ministries Internatio

Eastern District of Kentucky at Covington W. Bertelsman

08-6032 Answers in Genesis of Kentucky v. Creation Ministries Internatio

Eastern District of Kentucky at Covington W. Bertelsman

Defendant appeals the order granting plaintiff's petition to compel arbitration of a copyright and trademark dispute. Plaintiff cross-appeals the denial of its motion for a preliminary injunction enjoining litigation in Australia. (15 Minutes Per Side)

08-3413 Novella Lockett v. Marsh USA, Inc., et al.

Northern District of Ohio at Cleveland S. Lioi

Plaintiff appeals the summary judgment for defendant in this action against her former employer claiming wrongful termination based on race, age and gender as well as seeking severance payments. (15 Minutes Per Side)

07-2408 USA v. Darwin Howard

Eastern District of Michigan at Detroit A. Taylor

Defendant appeals the sentence imposed for violation of a condition of his term of supervised release. (15 Minutes Per Side)

07-4352 Edwin Ejikeme v. Don Violet, et al.

Southern District of Ohio at Columbus E. Sargus

Plaintiff appeals from a grant of summary judgment to the defendants in this employment discrimination case; 42 USC Sections 1983, 2000e. (15 Minutes Per Side)

07-2342 Geoffrey Fieger v. John Ferry, Jr., et al.

Eastern District of Michigan at Ann Arbor M. Battani

Plaintiff appeals the dismissal of his civil rights action against Justices of the Michigan Supreme Court challenging their failure to recuse themselves in cases in which he is the counsel of record. (15 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, January 21, 2009

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Moore, Clay, Kethledge**

06-5932 Official Unsecured, et al. v. K&B Cap LLC

Western District of Kentucky at Paducah T. Russell

07-5525 K & B Capital, et al. v. Official Unsecured

Western District of Kentucky at Paducah T. Russell

07-6140 K&B Capital, LLC v. Official Committee of Unsecure

Western District of Kentucky at Paducah T. Russell

07-6164 K & B Capital, LLC v. Official Unsecured Creditor's

Western District of Kentucky at Paducah T. Russell

Creditor K&B appeals four orders of the district court affirming decisions of the bankruptcy court. (15 Minutes Per Side)

08-3419 Elliott Company, et al. v. United Technologies Corporatio

Northern District of Ohio at Cleveland P. Gaughan

Defendant and third-party plaintiff appeals the final judgment in this action for insurance coverage for asbestos-related claims. (15 Minutes Per Side)

08-5114 USA v. Oliver Higgins

Western District of Tennessee at Jackson J. Todd

Defendant appeals his jury conviction and sentence for possession with intent to distribute cocaine base and cocaine, possession of counterfeit federal reserve notes, being a convicted felon in possession of a firearm and possession of a firearm during and in relation to a drug trafficking crime. (15 Minutes Per Side)

08-3487 Gaymar Industries, Inc. v. FirstMerit Bank, N.A.

Northern District of Ohio at Akron S. Lioi

Plaintiff appeals the summary judgment for defendant in this diversity action with claims for equitable subordination, quantum meruit, and constructive trust. (To Be Submitted On Briefs)

07-1252 USA v. Recla

Western District of Michigan at Marquette R. Bell

Defendant appeals the judgment entered following his plea of guilty of conspiracy to distribute and possess with intent to distribute oxycodone. (To Be Submitted On Briefs)

08-5186 **Giklin Arauz v. Ricky Bell, et al.**

Middle District of Tennessee at Nashville T. Campbell

This is an appeal from a district court order dismissing a prisoner's civil rights complaint filed pursuant to 42 USC §§ 1981, 1983, 1985(3), and 1986. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, January 21, 2009

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **McKeague, Griffin, Weber**

08-5204 Kimberly Culpepper v. BlueCross BlueShield of Tennes

Eastern District of Tennessee of Chattanooga C. Collier

Plaintiff appeals the summary judgment for defendant in this action under the FMLA. (15 Minutes Per Side)

07-4121 Mark Ryder v. Phillip Kerns

Northern District of Ohio at Cleveland D. Nugent

Petitioner appeals a district court order denying his petition for a writ of habeas corpus filed under 28 USC § 2254. (15 Minutes Per Side)

08-3311 Arch of Kentucky, Inc. v. Fred Hatfield, et al.

Office of Workers Compensation Program

The coal mine employer seeks review of a decision of the Benefits Review Board awarding black lung benefits under Title IV of the Federal Coal Mine Health and Safety Act of 1969 and denying reconsideration of that award. (15 Minutes For Petitioner; 15 Minutes To Be Shared by Respondents)

07-2446 USA v. John Miller

Eastern District of Michigan at Detroit P. Duggan

In this criminal action tried to a jury, defendant appeals his conviction of possession of cocaine base and marijuana with intent to distribute and possession of a firearm in furtherance of a drug trafficking crime. (15 Minutes Per Side)

08-3420 William Schramm v. Norman Mineta

Northern District of Ohio at Toledo C. Boyko

08-3421 William Schramm v. Norman Mineta

Northern District of Ohio at Toledo C. Boyko

Plaintiff, a former air traffic controller, appeals the summary judgment for defendant in these separate cases for hostile work environment, disparate treatment, retaliation, and post-employment retaliation. (15 Minutes Per Side)

07-5992 USA v. Ivey

Western District of Tennessee at Jackson J. Todd

Defendant appeals his jury conviction and sentence for being a felon in possession of a firearm and possession of a firearm with an obliterated serial number. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, January 21, 2009

403 - 4th Floor Courtroom, 1:30 P.M.

Before: **Martin, Cook, Watson**

07-6245 USA v. Earl McElheney

Eastern District of Tennessee of Chattanooga C. Collier

Defendant appeals his conviction and sentence following his guilty plea to receipt of child pornography. (15 Minutes Per Side)

08-1082 LaFawn Carter v. Ford Motor Company

Eastern District of Michigan at Detroit B. Friedman

Plaintiff appeals the summary judgment for defendant in this employment discrimination action alleging claims under Title VII and the FMLA. (15 Minutes Per Side)

07-6066 USA v. Charles Young

Western District of Tennessee at Jackson J. Todd

Defendant appeals his conviction and sentence following his guilty plea to being a convicted felon in possession of a firearm and ammunition shipped in interstate commerce. (15 Minutes Per Side)

08-5602 Floyd Kyes v. Baskin Auto Truck & Tractor, I, et al.

Western District of Tennessee at Memphis S. Mays

Plaintiff appeals the summary judgment for defendants in this diversity action for fraudulent misrepresentation and breach of contract. (15 Minutes Per Side)

08-1035 William Flowers v. City of Detroit, et al.

Eastern District of Michigan at Detroit M. Battani

Plaintiff appeals the summary judgment for defendants in this civil rights action alleging violations of the Fourth Amendment and state law claims for false arrest and imprisonment, malicious prosecution, abuse of process, and gross negligence. (To Be Submitted On Briefs)

07-6056 United States of America v. Herbert Hamer

Western District of Tennessee at Memphis B. Donald

Defendant appeals his jury conviction and sentence for possession of a firearm by a convicted felon. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Wednesday, January 21, 2009

607 - 6th Floor West Courtroom, 4:30 P.M.

Before: **Moore, Cook, Gwin**

07-5494 USA v. Smith

Eastern District of Tennessee at Knoxville R. Jordan

Defendant appeals his conviction and sentence following his guilty plea to possession of ammunition and firearms by a convicted felon. (15 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, January 22, 2009

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Martin, Moore, Gwin**

07-5904 USA v. Robertson

Middle District of Tennessee at Nashville W. Haynes

Defendant appeals his conviction and sentence following his guilty plea to being a felon in possession of a firearm. (15 Minutes Per Side)

07-4515 Hobert Tackett, et al. v. M&G Polymers USA, LLC

Southern District of Ohio at Columbus G. Frost

07-4516 Hobert Tackett, et al. v. M&G Polymers USA, LLC

Southern District of Ohio at Columbus G. Frost

Plaintiffs appeal dismissal of this action challenging the modification of retiree health benefits brought under the Labor Management Relations Act and ERISA. (15 Minutes Per Side)

07-2447 USA v. Kenneth Johnson

Western District of Michigan at Grand Rapids P. Maloney

Defendant appeals the criminal judgment entered following his plea of guilty of conspiracy to distribute and distribution of cocaine base. (15 Minutes Per Side)

08-1462 NLRB v. Jackson Hospital Corporation

National Labor Relations Board

The NLRB seeks enforcement of an order of the Board finding violations of federal labor law. (15 Minutes Per Side)

07-6357 USA v. Jonathan Brinda

Eastern District of Tennessee at Winchester H. Mattice

Defendant appeals his conviction and sentence following his guilty plea to receipt of child pornography. (15 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, January 22, 2009

403 - 4th Floor Courtroom, 11:00 A.M.

Before: **Martin, Moore, Gwin**

07-3698 USA v. Hunter

Southern District of Ohio at Dayton T. Rose

Defendant appeals his conviction and sentence for various drug and firearm charges. (15 Minutes Per Side)

08-1227 Michael Straney v. GMC

Eastern District of Michigan at Detroit B. Friedman

Plaintiff appeals the summary judgment for defendant in this ERISA action involving eligibility for retirement benefits under an executive retirement program. (15 Minutes Per Side)

07-6215 USA v. Corey Guthrie

Western District of Kentucky at Louisville J. Coffman

07-6286 USA v. Corey Guthrie

Western District of Kentucky at Louisville J. Coffman

Defendant appeals his jury convictions and sentence for carjacking and various firearms offenses, and the government cross-appeals. (15 Minutes Per Side)

08-3620 Angela Smith v. Health Services of Coshocton, et al.

Southern District of Ohio at Columbus E. Sargus

Plaintiff appeals the judgment for defendant in this action under ERISA seeking recovery of medical benefits. (15 Minutes Per Side)

07-5573 USA v. Holden

Middle District of Tennessee at Columbia W. Haynes

07-5574 USA v. Holden

Middle District of Tennessee at Columbia W. Haynes

Defendants appeal their jury convictions and sentences for falsifying, concealing or covering up a material fact and falsification of records. (10 Minutes for each Defendant; 20 Minutes for Plaintiff)

06-3491 Pepaj v. Mukasey

Board of Immigration Appeals

07-3130 Pepaj v. Mukasey

Board of Immigration Appeals

Petitioners seek review of a decision of the Board of Immigration Appeals denying asylum and other relief from removal. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, January 22, 2009

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Suhrheinrich, Griffin, Kethledge**

08-1229 Nada Hashem-Younes v. Danou Enterprises Incorporated, et al.

Eastern District of Michigan at Detroit R. Cleland

Plaintiff appeals the summary judgment for defendants in this employment discrimination action. (15 Minutes Per Side)

07-3343 USA v. Kuzlik

Northern District of Ohio at Cleveland P. Gaughan

Defendant appeals the judgment of sentence entered on his guilty plea to conspiracy to violate civil rights, criminal interference with housing rights, and making false statements. (15 Minutes Per Side)

07-1724 Hertz v. USA

Eastern District of Michigan at Ann Arbor J. O'Meara

Plaintiff appeals the dismissal of her claim under the Federal Tort Claims Act as time-barred. (15 Minutes Per Side)

08-3809 A & H Management Services, Inc v. Chafflose Corporation

Northern District of Ohio at Cleveland D. Nugent

Defendant appeals the judgment granting plaintiff's motion to compel specific performance of a settlement agreement. (15 Minutes Per Side)

08-5171 Restaurant Supply Solutions, I v. Dean Leischow, et al.

Middle District of Tennessee at Nashville R. Echols

08-5173 Restaurant Supply Solutions, I v. Dean Leischow, et al.

Middle District of Tennessee at Nashville R. Echols

Defendants appeal and plaintiff cross-appeals the award of damages to plaintiff in this diversity contract action. (15 Minutes Per Side)

07-4463 Larisa Penyaz v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a BIA decision that denies asylum and withholding of removal. (15 Minutes Per Side)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, January 22, 2009

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Gibbons, McKeague, Shadur**

07-2430 USA v. Jack Groenendal

Western District of Michigan at Grand Rapids P. Maloney

Defendant appeals the final judgment entered following his plea of guilty of possession of images of minors engaging in sexually explicit conduct. (15 Minutes Per Side)

08-3337 Julie Gallagher v. C. H. Robinson Worldwide, Inc.

Northern District of Ohio at Cleveland D. Polster

Plaintiff appeals the summary judgment for defendant in this action claiming a sexually hostile work environment and gender discrimination. (15 Minutes Per Side)

08-3312 Bernard Garner v. City of Cuyahoga Falls, et al.

Northern District of Ohio at Akron S. Lioi

Plaintiff appeals the dismissal of this civil rights action claiming a violation of his constitutional rights to free speech, due process, and equal protection in his discharge from municipal employment as a zoning inspector. (15 Minutes Per Side)

07-6461 Barrett Weinberger v. Kathleen Sawyer, et al.

Eastern District of Kentucky at London R. Wier

Plaintiff appeals the summary judgment for defendants in this action by a former federal inmate alleging the defendants violated his rights under the First Amendment and the RFRA by serving meals not conforming to his religious beliefs. (15 Minutes Per Side)

05-3620 USA v. Clark

Southern District of Ohio at Dayton W. Rice

05-3622 USA v. Nixon

Southern District of Ohio at Dayton W. Rice

Defendants appeal their convictions and sentences for various drug, money laundering, racketeering, and firearm offenses. (10 Minutes for each defendant; 20 Minutes for Plaintiff)

08-1553 Jeffrey Zibbell, et al. v. Jennifer Granholm, et al.

Western District of Michigan at Marquette R. Edgar

Plaintiff-appellants appeal from a district court's order dismissing and/or granting summary judgment to the Defendant-Appellees in a civil rights suit under 42 USC §1983 asserting a violation of the Americans with Disabilities Act. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Thursday, January 22, 2009

636 - 6th Floor East Courtroom, 1:30 P.M.

Before: **Guy, Clay, Cook**

07-4385 Edward Lentz, Jr. v. City of Cleveland, et al.

Northern District of Ohio at Cleveland K. O'Malley

07-4386 Edward Lentz, Jr. v. City of Cleveland, et al.

Northern District of Ohio at Cleveland K. O'Malley

Defendants appeal the judgment for plaintiff and numerous other rulings and the plaintiff cross-appeals in this civil rights action alleging reverse discrimination and unlawful retaliation in response to plaintiff's non-fatal shooting of a suspect while on duty as a police officer. (15 Minutes Per Side)

07-3205 USA v. Jones

Southern District of Ohio at Cincinnati S. Dlott

Defendant appeals the judgment of sentence entered on his guilty plea to being a felon in possession of a firearm and possession with intent to distribute a controlled substance. (15 Minutes Per Side)

06-2010 Abnet v. Unifab Corp

Western District of Michigan at Kalamazoo R. Enslin

In this employment discrimination action asserting claims for age discrimination and retaliation, plaintiff appeals the summary judgment for defendant and the denial of his motion for reconsideration. (15 Minutes Per Side)

08-3342 William Wuliger v. Manufacturers Life Insurance C

Northern District of Ohio at Toledo D. Katz

Defendant appeals the summary judgment for plaintiff in this action for a declaratory judgment and rescission of three life insurance policies. (15 Minutes Per Side)

07-4509 Tumuheki Bimbona v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies reopening of immigration proceedings on claims of ineffective assistance of counsel and changed country conditions. (15 Minutes Per Side)

06-6545 USA v. Johnson

Eastern District of Tennessee of Chattanooga C. Collier

Defendant appeals his conviction and sentence for various drug and firearm offenses. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Friday, January 23, 2009

403 - 4th Floor Courtroom, 9:00 A.M.

Before: **Guy, Clay, Cook**

08-1301 Suzanne Conti v. American Axle & Manufacturing,
Eastern District of Michigan at Detroit B. Friedman

Plaintiff appeals the summary judgment for defendant in this action claiming violations of the Equal Pay Act and the Elliot-Larsen Civil Rights Act. (15 Minutes for Appellant; 15 Minutes to be Shared by Appellees)

08-3347 Kurt Johnson v. Connecticut General Life Insur, et al.
Northern District of Ohio at Akron J. Gwin

Defendant appeals the judgment on the administrative record in favor of the plaintiff in this action under ERISA for life insurance benefits. (15 Minutes Per Side)

07-6188 Paul Whitewood v. Robert Bosch Tool Corp.
Western District of Kentucky at Louisville J. Heyburn

07-6355 Paul Whitewood v. Robert Bosch Tool Corp.
Western District of Kentucky at Louisville J. Heyburn

Plaintiff appeals and defendant cross-appeals the jury verdict for plaintiff in this diversity contract action and an order denying his motions for awards of prejudgment interest and attorney fees. (15 Minutes Per Side)

08-3320 John Werner, Jr. v. Progressive Preferred Insuranc
Northern District of Ohio at Toledo J. Carr

Plaintiff appeals the summary judgment for defendant in this action for breach of an insurance contract based on processing of a claim and distribution of insurance benefits to medical providers. (15 Minutes Per Side)

07-4147 USA v. Mark Olds
Northern District of Ohio at Cleveland P. Gaughan

Defendant appeals his jury conviction and sentence for mail fraud, money laundering, and filing false income tax returns. (15 Minutes Per Side)

08-3377 Jeffrey Gibson v. SEC
Securities & Exchange Commission

Petitioner seeks review of an order of remedial sanctions entered by the SEC. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Friday, January 23, 2009

607 - 6th Floor West Courtroom, 9:00 A.M.

Before: **Suhrheinrich, Griffin, Kethledge**

08-3644 Sharon Wharton v. Gorman-Rupp Company

Northern District of Ohio at Cleveland J. Gwin

Plaintiff appeals partial summary judgment for defendant in this action for age discrimination in employment and related claims. (15 Minutes Per Side)

07-3886 USA v. Cox

Southern District of Ohio at Dayton T. Rose

Defendant appeals the judgment of conviction and sentence for conspiracy to possess cocaine for distribution. (15 Minutes Per Side)

08-5127 Becky Matheny v. TVA

Middle District of Tennessee at Nashville A. Trauger

Defendant appeals the bench judgment for plaintiff in this admiralty action for negligence arising from a boating accident. (15 Minutes for Appellant; 15 Minutes to Be Shared by Appellees)

07-5624 USA v. Gregory

Eastern District of Tennessee at Greeneville J. Greer

Defendant appeals his jury conviction and sentence for various firearm and drug charges. (15 Minutes Per Side)

08-5003 Crossville Medical Oncology, P v. Glenwood Systems, LLC

Middle District of Tennessee at Cookeville W. Haynes

Plaintiff appeals the order in this diversity contract action denying its motion to reopen the action, denying its motion to amend its complaint, and dismissing the action with prejudice. (15 Minutes Per Side)

06-4449 USA v. White

Southern District of Ohio at Columbus A. Marbley

Defendant appeals his conviction and sentence for conspiracy and possession of cocaine with intent to distribute. (To Be Submitted On Briefs)

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Friday, January 23, 2009

636 - 6th Floor East Courtroom, 9:00 A.M.

Before: **Gibbons, McKeague, Shadur**

08-1041 David Brown v. City of Ecorse, et al.

Eastern District of Michigan at Detroit M. Battani

Plaintiff appeals the summary judgment for defendants in this civil rights action challenging the denial of building permits. (15 Minutes Per Side)

07-4175 USA v. David Harris

Northern District of Ohio at Youngstown S. Oliver

The government appeals the judgment of sentence entered on the defendant's guilty plea to receipt and distribution of child pornography. (15 Minutes Per Side)

07-2120 Victor Weber v. Thomas Van Fossen, et al.

Eastern District of Michigan at Detroit D. Lawson

Plaintiff appeals the dismissal of this diversity foreclosure action and the denial of his post-judgment motion for reconsideration. (15 Minutes Per Side)

08-3062 USA v. Patricia Petroff-Kline

Northern District of Ohio at Akron S. Oliver

Defendant appeals the summary judgment for plaintiff in this action for recovery of money lent under a Health Education Assistance Loan. (15 Minutes Per Side)

07-4106 USA v. Gabriel Castaneda

Northern District of Ohio at Akron K. O'Malley

Defendant appeals his conviction by jury and sentence for conspiracy to distribute and possess cocaine. (15 Minutes Per Side)

08-3425 Sansan Tjong v. Michael Mukasey

Board of Immigration Appeals

Petitioner seeks review of a decision of the BIA that denies a motion to reopen proceedings based on the ineffectiveness of prior counsel. (To Be Submitted On Briefs)