

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Tuesday, May 7, 2024

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

Before: **Moore, Nalbandian, Bloomekatz**

23-5662 Dan Carman, et al. v. Janet Yellen, et al.

[5:22-cv-00149](#)

Eastern District of Kentucky at Lexington

K. Caldwell

Plaintiffs appeal the judgment for defendants in this action for declaratory and injunctive relief against the enforcement on cryptocurrency transactions of the statute imposing reporting mandates on certain cash transactions. (15 Minutes Per Side)

23-1480 Covington Specialty Insurance v. Sweet Soul, Inc., et al.

[2:22-cv-11688](#)

Eastern District of Michigan at Detroit

L. Michelson

Defendant estate appeals the district court's declaratory judgment in favor of plaintiff insurer as to its obligation to indemnify or defend defendant insureds in a wrongful death suit arising from a shooting outside a defendant insured's restaurant. (To Be Submitted On Briefs)

23-1479 Daniel McCausland, et al. v. Charter Township of Canton, MI, et al.

[2:18-cv-12409](#)

Eastern District of Michigan at Detroit

D. Hood

Plaintiffs appeal the district court's summary judgment for defendants in this suit alleging a federal taking and related claims stemming from municipal defendants' rezoning of plaintiffs' property. (To Be Submitted On Briefs)

23-1033 USA v. Robert Hulse

[1:21-cr-00168-1](#)

Western District of Michigan at Grand Rapids

J. Beckering

Defendant appeals from the district court's judgment in his criminal case after being found guilty of receipt, possession, and distribution of child pornography. (To Be Submitted On Briefs)

Wednesday, May 8, 2024

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

Before: **Moore, Nalbandian, Bloomekatz**

23-5897 Joshua Debity, et al. v. Vintage Village Homeowners Ass

[3:22-cv-00017](#)

Eastern District of Tennessee at Knoxville

C. Corker

Plaintiffs appeal the judgment for defendant in this action alleging discrimination under the Fair Housing Act arising from defendant's failure to approve a higher fence height and type to accommodate the special needs of their child. (15 Minutes Per Side)

23-1954 Daretha Braziel, et al. v. Gretchen Whitmer, et al.

[1:21-cv-00960](#)

Western District of Michigan at Grand Rapids

H. Jarbou

Municipal defendants appeal the district court's order denying qualified immunity from this civil rights suit alleging failure to warn of or address the risks posed by water supplied through lead service lines. (15 Minutes Per Side)

21-4072 Dayton Power & Light Company, et al. v. FERC

er20-1068-000

Federal Energy Regulatory Commission

22-3351 Dayton Power & Light Company, et al. v. FERC

er20-1068-000

Federal Energy Regulatory Commission

23-3196 American Elec Power Serv Corp v. FERC

el22-34-000

Federal Energy Regulatory Commission

23-3366 American Elec Power Serv Corp v. FERC

el22-34-000

Federal Energy Regulatory Commission

In these consolidated matters, petitioners seek review of several Federal Energy Regulatory Commission ("FERC") orders related to RTO Adders sought by certain Ohio regional transmission organizations. (20 Minutes to be Shared by Petitioners; 20 Minutes for Respondent)

23-3324 Office of the Ohio Consumers' v. FERC

el22-34-000

Federal Energy Regulatory Commission

23-3417 Office of the Ohio Consumers' v. FERC

el22-34-000

Federal Energy Regulatory Commission

In these consolidated matters, petitioners seek review of several Federal Energy Regulatory Commission ("FERC") orders related to RTO Adders sought by certain Ohio regional transmission organizations. (10 Minutes for Petitioner; 10 Minutes for Respondent)

Wednesday, May 8, 2024

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

Before: **Boggs, Kethledge, Murphy**

23-1726 Canadian Silica Industries Inc v. Sand Products Corporation

[1:20-cv-01229](#)

Western District of Michigan at Grand Rapids

H. Jarbou

Intervenor appeals the district court's order interpreting key terms in this diversity contract dispute. (15 Minutes Per Side)

23-1699 Operating Engineers' Local 324, et al. v. Rieth-Riley Construction Co.,

[2:20-cv-10323](#)

Eastern District of Michigan at Detroit

D. Lawson

Plaintiff labor union trust funds appeal from the district court's order granting defendant employer's motion for summary judgment in this dispute over employment benefits filed under ERISA. (15 Minutes Per Side)

23-3216 KY v. EPA, et al.

epa-r04-oar-2021- Environmental Protection Agency

23-3225 KY Energy and Env Cabinet v. EPA, et al.

epa-r04-oar-2021- Environmental Protection Agency

In these consolidated cases, petitioners seek review of the EPA's final agency action disapproving Kentucky's state implementation plan for failure to comply with provisions of the Clean Air Act. (20 Minutes to be Shared by Petitioners; 15 Minutes for Respondents; 5 Minutes for Amici)

21-3753 USA v. Calvin Caver

[1:03-cr-00486-4](#)

Northern District of Ohio at Cleveland

J. Adams

Defendant appeals the district court's order denying his motion to reduce his sentence under the First Step Act. (To Be Submitted On Briefs)

23-5685 Timothy Turner v. Helen Long, et al.

[3:20-cv-00813](#)

Western District of Kentucky at Louisville

J. McKinley

Plaintiff appeals the grant of summary judgment for defendants in this prisoner civil rights action. (To Be Submitted On Briefs)

23-1700 USA v. Anthony Turner

[1:23-cr-00021-1](#)

Western District of Michigan at Grand Rapids

J. Beckering

Defendant appeals the district court's judgment in his criminal case after pleading guilty to access with intent to view child pornography. (To Be Submitted On Briefs)

Thursday, May 9, 2024

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

Before: **Bush, Nalbandian, Murphy****23-3840 USA v. Alexander Sittenfeld**

1:20-cr-00142-1 Southern District of Ohio at Cincinnati D. Cole

Defendant appeals the district court's judgment in his criminal case after a jury convicted him of bribery concerning programs receiving federal funds and attempted extortion under color of official right. (15 Minutes Per Side)

23-5612 Modern Holdings, LLC, et al. v. Corning, Inc., et al.

5:13-cv-00405 Eastern District of Kentucky at Lexington G. Van Tatenhove

23-5645 Modern Holdings, LLC, et al. v. Corning, Inc., et al.

5:13-cv-00405 Eastern District of Kentucky at Lexington G. Van Tatenhove

In these cross appeals, the parties challenge a partial judgment, entered pursuant to Federal Rule of Civil Procedure 54(b), on the property-only claims in this environmental mass-tort lawsuit arising from the release and dispersion of materials from a glass manufacturing facility. (15 Minutes Per Side)

23-5765 Mollie Slaybaugh, et al. v. Rutherford County, TN, et al.

3:23-cv-00057 Middle District of Tennessee at Nashville A. Trauger

Plaintiffs appeal the judgment for defendants in this civil rights action alleging violations of the Takings Clause arising from damages sustained to plaintiffs' home during the arrest of their adult son. (15 Minutes for Appellants; 15 Minutes to be Shared by Appellees)

23-1472 NLRB v. Metro Man IV, LLC

07-ca-264407 National Labor Relations Board

NLRB applies for enforcement of its order directing employer to, among other things, rescind a wage reduction that was the result of unlawful labor practices and to make its employees whole in earnings and benefits. (15 Minutes Per Side)

23-1216 USA v. Emmanuel Merritt

1:21-cr-00051-1 Western District of Michigan at Grand Rapids J. Beckering

Defendant appeals the district court's judgment in his criminal case after pleading guilty to being a felon in possession of firearms. (To Be Submitted On Briefs)

23-5588 USA v. Ja'quon Roberson

1:21-cr-10063-4 Western District of Tennessee at Jackson S. Anderson

Defendant appeals his judgment in a criminal case, following a guilty plea, for being an unlawful user of a controlled substance in possession of a firearm. (To Be Submitted On Briefs)

23-5981 Mary Sexton v. Commissioner of Social Security

6:23-cv-00007 Eastern District of Kentucky at London H. Ingram

Plaintiff appeals the denial of her motion for a preliminary injunction seeking to enjoin the nonpayment of her disability benefits while her appeal from the denial of benefits is pending. (To Be Submitted On Briefs)

Thursday, May 9, 2024

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

Before: **Bush, Nalbandian, Murphy**

23-3683 Howard Brebberman v. Cty of Maumee, OH

[3:21-cv-01881](#)

Northern District of Ohio at Toledo

J. Zouhary

Plaintiff appeals the district court's summary judgment for defendant employer in this action alleging age discrimination under Ohio law following plaintiff's termination as a city engineer. (To Be Submitted On Briefs)

Thursday, May 9, 2024

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

Before: **Moore, Kethledge, Bloomekatz**

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- 23-1648 Andrei Fenner, et al. v. General Motors, LLC, et al.**
[1:17-cv-11661](#) Eastern District of Michigan at Bay City T. Ludington
- 23-1696 Andrei Fenner, et al. v. General Motors, LLC, et al.**
[1:17-cv-11661](#) Eastern District of Michigan at Bay City T. Ludington
- 23-1697 Andrei Fenner, et al. v. General Motors, LLC, et al.**
[1:17-cv-11661](#) Eastern District of Michigan at Bay City T. Ludington
- 23-1698 Andrei Fenner, et al. v. General Motors, LLC, et al.**
[1:17-cv-11661](#) Eastern District of Michigan at Bay City T. Ludington

Several plaintiffs appeal the district court's summary judgment in favor of automaker defendants in this proposed class action alleging federal RICO claims based on state-law breach of warranty, fraud, negligent misrepresentation, and violation of California emissions laws arising from misrepresentations about diesel vehicles' emissions. (15 Minutes to be Shared by Plaintiffs; 15 Minutes to be Shared by Defendants)

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- 23-3792 Columbia Gas Transmission, LLC v. 171.54 Acres Of Land, More Or, et al.**
[2:17-cv-00070](#) Southern District of Ohio at Columbus M. Watson

Defendant, an interest holder in a tract of land affected by plaintiff's pipeline project, appeals the district court's order ratifying plaintiff's Rule 71.1 dismissal and denying defendant's motion for fees and costs. (15 Minutes Per Side)

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- 23-1244 Deshawn Boylan v. Michael Burgess**
[2:19-cv-00210](#) Western District of Michigan at Marquette M. Vermaat

Respondent appeals the grant of petitioner's petition for a writ of habeas corpus filed pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

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- 23-3582 Celestia Chapman v. Brentlinger Enterprises**
[2:20-cv-05009](#) Southern District of Ohio at Columbus M. Watson
- 23-3613 Celestia Chapman v. Brentlinger Enterprises**
[2:20-cv-05009](#) Southern District of Ohio at Columbus M. Watson

Plaintiff appeals the district court's summary judgment for defendant employer in this suit alleging discrimination and retaliation under FMLA and ADA, and post-termination retaliation after she was fired for missing work while caring for her dying sister. (15 Minutes Per Side)

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- 23-5479 USA v. Douglas Hawkins**
[5:21-cr-00110-1](#) Eastern District of Kentucky at Lexington K. Caldwell

Defendant appeals his judgment in a criminal case, following a jury trial, for investment adviser fraud, securities fraud, and mail fraud. (To Be Submitted On Briefs)

Thursday, May 9, 2024

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

Before: **Moore, Kethledge, Bloomekatz**

23-5421 USA v. Devonte Welch

[1:22-cr-00090-1](#) Eastern District of Tennessee at Chattanooga C. Collier

23-5465 USA v. Devonte Welch

[1:17-cr-00114-1](#) Eastern District of Tennessee at Chattanooga C. Collier

In these consolidated matters, defendant appeals his judgment in a criminal case, following a guilty plea, for possession with intent to distribute a fentanyl mixture, and appeals the revocation of his term of supervised release. (To Be Submitted On Briefs)