

Oral Argument Calendar

United States Court of Appeals for the Sixth Circuit

Monday, October 5, 2020

Video Argument, 1:30 P.M.

Before: **Rogers, Sutton, Stranch**

19-2252 UAW International, et al. v. TRW Automotive U.S. LLC

[2:11-cv-14630](#) Eastern District of Michigan at Detroit D. Hood

19-2262 UAW International, et al. v. TRW Automotive U.S. LLC

[2:11-cv-14630](#) Eastern District of Michigan at Detroit D. Hood

In this ERISA action, defendant appeals the district court's judgment granting, in part, plaintiffs' motions for attorney fees, and plaintiffs cross-appeal from that part of the judgment limiting the amount of fees they could recover. (15 Minutes Per Side)

19-1984 USA v. Darrell Mitchell

[1:03-cr-00203-1](#) Western District of Michigan at Grand Rapids G. Quist

Defendant appeals the district court's judgment denying his motion for relief under the First Step Act. (15 Minutes Per Side)

20-1219 Bobbie Kooman, et al. v. Boulder Bluff Condominiums, et al.

[1:18-cv-00637](#) Western District of Michigan at Grand Rapids R. Jonker

Plaintiffs appeal the district court's summary judgment for the defendants in this case alleging that defendants violated the Fair Housing Amendments Act by failing to permit a reasonable accommodation and disparate treatment. (15 Minutes for Plaintiffs and 15 Minutes to be shared by Defendants)

19-6187 USA v. Stephen Patterson, Jr.

[5:17-cr-00019-1](#) Western District of Kentucky at Paducah T. Russell

Defendant appeals his judgment in a criminal case, following a jury trial, for being a felon in possession of a firearm. (To Be Submitted On Briefs)

19-3638 USA v. Oscar Collado-Rivera

[2:16-cr-00017-3](#) Southern District of Ohio at Columbus M. Watson

Defendant appeals the district court's ruling, entered pursuant to this court's remand order, finding that there was no good cause for substituting defendant's counsel for purposes of sentencing. (To Be Submitted On Briefs)

Tuesday, October 6, 2020

Video Argument, 1:30 P.M.

Before: **Daughtrey, Donald, Readler**

18-5676 USA v. Jankie Jackson[6:17-cr-00014-2](#) Eastern District of Kentucky at London

G. Van Tatenhove

18-6003 USA v. Peter Combs[6:17-cr-00014-7](#) Eastern District of Kentucky at London

G. Van Tatenhove

In these consolidated appeals, defendants challenge their judgments in a criminal case for conspiracy to distribute cocaine and conspiracy to commit money laundering. (10 Minutes for each Defendant; 20 Minutes for Plaintiff)

19-6469 EEOC v. West Meade Place, LLP[3:18-cv-00101](#) Middle District of Tennessee at Nashville

W. Campbell

Plaintiff appeals the summary judgment for defendant in this action, brought under the Americans with Disabilities Act, alleging defendant failed to provide reasonable accommodation to an employee and discharged her because of her disability. (15 Minutes Per Side)

19-3784 USA v. John Simer, II[4:17-cr-00351-1](#) Northern District of Ohio at Youngstown

C. Boyko

Defendant appeals the district court's judgment of conviction and sentence entered pursuant to a jury verdict finding him guilty of distribution of a controlled substance, unlawful use of a communication facility, and other related drug and weapons offenses. (15 Minutes Per Side)

20-5290 Stephanie Troutman v. Louisville Metro Dept of Corr, et al.[3:16-cv-00742](#) Western District of Kentucky at Louisville

D. Hale

Plaintiff appeals the grant of summary judgment for defendants on her 42 U.S.C. Section 1983 claims and the decline of jurisdiction over her state law claims. (15 Minutes Per Side)

19-2113 USA v. Levar Elliott[1:19-cr-00008-1](#) Western District of Michigan at Grand Rapids

P. Maloney

Defendant appeals the judgment entered following his plea of guilty of possession of a firearm by a felon. (To Be Submitted On Briefs)

20-3146 Borrer Property Mgmt, LLC v. Oro Karric North, LLC, et al.[2:19-cv-04375](#) Southern District of Ohio at Columbus

A. Marbley

Defendants appeal the district court's order denying their motion to stay proceedings and compel arbitration in this diversity breach of contract action. (To Be Submitted On Briefs)

19-1898 James Saltmarsh v. Prime Healthcare Services, et al.[2:18-cv-10887](#) Eastern District of Michigan at Detroit

D. Lawson

Plaintiff, alleging he was wrongfully accused of sexually assaulting and murdering his infant daughter, appeals the summary judgment for defendants on his civil rights and state law claims. (To Be Submitted On Briefs)

Tuesday, October 6, 2020

Video Argument, 1:30 P.M.

Before: **Daughtrey, Donald, Readler**

19-5956 USA v. Marty Tuttle

[3:18-cr-00209-1](#)

Eastern District of Tennessee at Knoxville

T. Varlan

Defendant appeals his judgment in a criminal case, following a jury verdict, for possession of a firearm by a convicted felon. (To Be Submitted On Briefs)

20-1009 RJ Control Consultants, Inc., et al. v. Multiject, LLC, et al.

[2:16-cv-10728](#)

Eastern District of Michigan at Detroit

A. Cohn

Plaintiffs appeal the district court's denial of their motion to reconsider its summary judgment for the defendants in this case alleging copyright infringement, violation of the Lanham Act and related causes of action. (To Be Submitted On Briefs)

Wednesday, October 7, 2020

Video Argument, 9:00 A.M.

Before: **Boggs, Stranch, Thapar**

19-5753 USA v. Jamar Garrison**3:18-cr-00060-1** Western District of Kentucky at Louisville R. Jennings

Defendant appeals his judgment in a criminal case, following a jury verdict, for possession of a firearm by a prohibited person, possession of heroin with intent to distribute, and possession of a firearm in furtherance of a drug trafficking crime. (15 Minutes Per Side)

19-4225 Louisville G&E Co., et al. v. FERC

ferc-1 : el18-203-0 Federal Energy Regulatory Commission

Petitioners seek review of orders of the FERC denying rehearing and granting in part a complaint for reimbursement of costs. (15 Minutes for Petitioners; 15 Minutes to be Shared by the Respondent and Intervenor)

19-2058 Beth Chubb, et al. v. Daimler Trucks N.A., LLC**2:18-cv-10843** Eastern District of Michigan at Detroit T. Berg

In this wrongful death action, alleging claims for negligence, breach of the Magnuson-Moss Warranty Act, infliction of emotional distress, and loss of consortium, defendant appeals the dismissal of the action without prejudice for lack of standing. (15 Minutes Per Side)

20-5003 USA v. John Brown**2:19-cr-20051-1** Western District of Tennessee at Memphis T. Parker

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

19-4038 USA v. Malachi Scurry**5:19-cr-00137-1** Northern District of Ohio at Akron J. Adams

Defendant appeals the district court's judgment following his convictions for being a felon in possession of a firearm and ammunition and assaulting, resisting or impeding an officer. (To Be Submitted On Briefs)

19-2111 USA v. Lee Blomquist**2:17-cr-00031-1** Western District of Michigan at Marquette P. Maloney**19-2112 USA v. Lee Blomquist****2:18-cr-00041-1** Western District of Michigan at Marquette P. Maloney

In these criminal actions tried in part to a jury, defendant appeals his conviction of manufacturing marijuana plants, possession with intent to distribute marijuana plants, conspiracy to distribute and possess with intent to distribute marijuana, distribution of marijuana and escape from custody. (To Be Submitted On Briefs)

Wednesday, October 7, 2020

Video Argument, 9:00 A.M.

Before: **Siler, Sutton, Larsen**

20-5301 USA ex rel., Gurpreet Maur, MD v. Elie Hage-Korban, et al.

[1:17-cv-01079](#)

Western District of Tennessee at Jackson

S. Anderson

In this qui tam action under the False Claims Act, the relator appeals the district court's orders dismissing the action for failure to state a claim. (15 Minutes for Plaintiff; 15 Minutes to be Shared by Defendants)

18-4106 Demetreus Keahey v. Dave Marquis

[3:16-cv-01131](#)

Northern District of Ohio at Toledo

J. Adams

Petitioner appeals the denial of his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. Section 2254. (15 Minutes Per Side)

20-5269 Patrick Stockdale, et al. v. Kim Helper

[3:17-cv-00241](#)

Middle District of Tennessee at Nashville

E. Richardson

Defendant appeals an interlocutory order of the district court denying her absolute and qualified immunity in plaintiffs' civil rights action for violations of the First and Fourteenth Amendments and related state law claims arising from plaintiffs' terminations from a city police department. (15 Minutes Per Side)

19-4000 USA v. Aesha Johnson

[1:18-cr-00006-1](#)

Northern District of Ohio at Cleveland

D. Nugent

Defendant appeals the district court's judgment of conviction and sentence entered pursuant to his guilty plea to one count of conspiracy and multiple counts of wire fraud and aggravated identity theft. (To Be Submitted On Briefs)

20-3144 Jonattan Guerra-Canales v. William Barr

a 209 831 584

Board of Immigration Appeals

Petitioner seeks review of a BIA decision affirming, without opinion, the result of the decision below. (To Be Submitted On Briefs)

Wednesday, October 7, 2020

EnBanc

Video Argument, 2:00 P.M.

19-1314 Rebecca Foster v. Univ of Michigan Bd of Regents, et al.

[2:17-cv-10781](#)

Eastern District of Michigan at Detroit

B. Friedman

Plaintiff appeals the summary judgment for defendants in this Title IX action alleging deliberate indifference to sexual harassment by a fellow student. (20 Minutes Per Side)

Thursday, October 8, 2020

Video Argument, 9:00 A.M.

Before: **Boggs, Donald, Thapar**

19-6196 Myra Huls v. Mark Davis[3:17-cv-00415](#)

Eastern District of Tennessee at Knoxville

H. Mattice

Plaintiff appeals the summary judgment for defendant in this diversity action for negligent failure to warn and related claims arising from injuries plaintiff sustained after falling off a horse owned by defendant. (15 Minutes Per Side)

20-1048 Produce Pay, Inc. v. Spiech Farms, LLC[1:18-cv-01366](#)

Western District of Michigan at Grand Rapids

J. Neff

Produce Pay Inc. appeals a decision of the bankruptcy court, affirmed by the district court, denying its claim for protection under the Perishable Agricultural Commodities Act. (15 Minutes Per Side)

19-3986 Henry Navas-Medina v. William Barr

a 205 053 046

Board of Immigration Appeals

Petitioner seeks review of the BIA's order dismissing his appeal and affirming an immigration judge's decision denying his application for asylum as moot and denying his applications for withholding of removal and protection under the Convention Against Torture. (15 Minutes Per Side)

19-3243 Elizabeth Goodwin v. Richland County, Ohio, et al.[1:15-cv-00210](#)

Northern District of Ohio at Cleveland

W. Baughman

Plaintiff appeals the district court's judgment for defendant Raymond Frazier entered pursuant to a jury's verdict finding him not liable for the shooting death of decedent Brian Garber. (To Be Submitted On Briefs)

19-2065 USA v. Jeremiah Cheff[4:16-cr-20700-1](#)

Eastern District of Michigan at Flint

L. Parker

In this criminal action tried to a jury, defendant appeals his conviction of failure to account for and pay over payroll taxes, corrupt endeavor to obstruct the due administration of the internal revenue laws, and willful failure to file. (To Be Submitted On Briefs)

19-2448 USA v. Leonard Overmyer, III[1:18-cr-00083-1](#)

Western District of Michigan at Grand Rapids

P. Maloney

Defendant appeals the district court's amended judgment of conviction and sentence entered pursuant to his guilty plea to a charge of possession of firearms by a felon. (To Be Submitted On Briefs)

19-3830 USA v. Jesus Inzunza-Arenas[2:18-cr-00222-3](#)

Southern District of Ohio at Columbus

A. Marbley

Defendant appeals the district court's judgment of conviction and sentence entered pursuant to a jury verdict finding him guilty of conspiracy to possess with intent to distribute more than 100 grams of heroin. (To Be Submitted On Briefs)

19-1894 USA v. Immanuel Bradley[1:19-cr-00051-1](#)

Western District of Michigan at Grand Rapids

P. Maloney

Defendant appeals the judgment entered following his plea of guilty of felon in possession of a firearm and possession of stolen mail. (To Be Submitted On Briefs)

Thursday, October 8, 2020

Video Argument, 9:00 A.M.

Before: **Boggs, Donald, Thapar**

20-1024 Natl Electrical Annuity Plan v. Henkels & McCoy, Inc.

[3:18-cv-13701](#)

Eastern District of Michigan at Port Huron

R. Cleland

Plaintiff appeals the district court's summary judgment for the defendants in this case alleging that defendants failed to make required ERISA contributions pursuant to the terms of the parties' collective bargaining agreement. (To Be Submitted On Briefs)

19-3572 USA v. Patrick Griffin

[5:18-cr-00528-1](#)

Northern District of Ohio at Akron

P. Gaughan

Defendant appeals the district court's judgment of conviction and sentence entered pursuant to his guilty plea to a charge of conspiracy to possess with intent to distribute and distribution of Methamphetamine and Heroin. (To Be Submitted On Briefs)

Thursday, October 8, 2020

Video Argument, 1:30 P.M.

Before: **Suhrheinrich, Donald, Murphy**

19-5505 Church Joint Venture, L.P. v. Earl Blasingame, et al.

[2:08-bk-28289](#)

U.S. Bankruptcy Court - Memphis

J. Latta

Plaintiff appeals a bankruptcy court decision concluding that a lawsuit had inconsequential value to a bankruptcy estate, thus allowing the trustee to abandon the suit. (15 Minutes Per Side)

Friday, October 9, 2020

Video Argument, 9:00 A.M.

Before: **Suhrheinrich, Larsen, Readler**

19-6297 Johnny Gatewood v. USA

[2:17-cv-02040](#)

Western District of Tennessee at Memphis

J. McCalla

Petitioner appeals the denial of his motion to vacate, reduce or set aside sentence filed pursuant to 28 U.S.C. Section 2255. (15 Minutes Per Side)

19-6447 Buck Ryan v. David Blackwell, et al.

[5:19-cv-00188](#)

Eastern District of Kentucky at Lexington

K. Caldwell

Plaintiff appeals the judgment and amended judgment in his case dismissing his federal claims and declining to exercise supplemental jurisdiction over his state-law claims in this civil rights action alleging violations of his constitutional rights arising from proceedings to terminate him from a university teaching position. (15 Minutes Per Side)

19-2333 Garrett Dwyse v. William Federspiel, et al.

[5:17-cv-10044](#)

Eastern District of Michigan at Ann Arbor

J. Levy

Plaintiff appeals the district court's summary judgment for the defendants in this action alleging that plaintiff was demoted in retaliation for uncovering and reporting official corruption. (To Be Submitted On Briefs)

Friday, October 9, 2020

Video Argument, 9:00 A.M.

Before: **Rogers, Sutton, Stranch**

20-3136 Kelly Copen, et al. v. USA, et al.

[5:19-cv-01346](#)

Northern District of Ohio at Akron

J. Adams

Plaintiffs appeal the district court's order dismissing for lack of subject matter jurisdiction their claims brought under the FTCA. (15 Minutes Per Side)

19-6327 Ronald Ogle, et al. v. Sevier Cnty Rgnl Planning Comm, et al.

[3:09-cv-00537](#)

Eastern District of Tennessee at Knoxville

P. Reeves

Plaintiffs appeal the judgment and post-judgment denial of their motion to alter, amend, or vacate in this civil rights action challenging the denial by the Planning Commission of their concept plan for a development project. (15 Minutes Per Side)

19-4186 USA v. Anthony Palos

[1:19-cr-00186-1](#)

Northern District of Ohio at Cleveland

B. Pearson

Defendant appeals the district court's judgment following his guilty plea to being a felon in possession of a firearm and ammunition. (To Be Submitted On Briefs)

19-3841 Mercy West v. William P. Barr

a 087 130 003

Board of Immigration Appeals

Petitioner, a native and citizen of Nigeria, seeks review of the BIA's decision, entered on remand from this court, dismissing her appeal from an immigration judge's decision denying her withholding of removal. (To Be Submitted On Briefs)

Friday, October 9, 2020

Video Argument, 1:30 P.M.

Before: **Boggs, Stranch, Thapar**

20-1076 Miguel Perez v. Sturgis Public Schools, et al.

[1:18-cv-01134](#) Western District of Michigan at Grand Rapids P. Maloney

Plaintiff appeals the district court's judgment dismissing his complaint alleging that defendants violated the Americans With Disabilities Act and state law by not providing a qualified sign language interpreter. (15 Minutes Per Side)

20-3085 Kenneth Kubala v. Randy Smith, et al.

[4:18-cv-01988](#) Northern District of Ohio at Youngstown G. Limbert

Plaintiff appeals the summary judgment for the defendants in this action alleging sexual harassment and First Amendment retaliation. (15 Minutes Per Side)

19-4224 Altin Shuti v. William Barr

a 060 254 668 Board of Immigration Appeals

Petitioner seeks review of a BIA decision dismissing his appeal from an immigration judge's orders denying petitioner's motion to terminate and finding petitioner removable. (15 Minutes Per Side)

20-5288 EEOC v. HP Pelzer Automotive Systems

[1:17-cv-00031](#) Eastern District of Tennessee of Chattanooga T. Varlan

Defendant appeals the denial of attorneys fees and costs in this action brought under Title VII after defendant prevailed in the suit. (To Be Submitted On Briefs)

19-4139 Angela Fuerst v. Secretary of the Air Force

[3:18-cv-00316](#) Southern District of Ohio at Dayton T. Rose

Plaintiff appeals the district court's judgment granting the defendant's motion to dismiss for lack of subject matter jurisdiction in this action alleging disability discrimination and retaliatory removal. (To Be Submitted On Briefs)