



**APRIL 13 - 17, 2009
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

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The following visiting judge will sit with the Court in April:

***Honorable James M. Rosenbaum
United States District Judge
Minneapolis, MN**

Updated 04/10/09

DIVISION I
28th Floor
En Banc Courtroom

MONDAY, APRIL 13, 2009
THERE WILL BE NO ORAL ARGUMENTS IN DIVISION I

TUESDAY, APRIL 14, 2009 BEGINNING AT 9:00AM
BEFORE JUDGES LOKEN, COLLOTON, *ROSENBAUM

				LAB
1	08-2896	WM	Michael McKinzy, Sr. v. Union Pacific Railroad	15
2	08-2803	WM	Gerald McPhetridge, et al. v. Local 153 International Brotherhood of Electrical Workers	15
3	08-3342	EA	United States v. Michael Gavin	10
4	08-3281	EM	United States v. Sidney Byas	10
5	08-3116	WM	Linda Turner v. United Steelworkers of America Local 812, et al.	15

WEDNESDAY, APRIL 15, 2009 BEGINNING AT 9:00AM
BEFORE JUDGES LOKEN, COLLOTON, *ROSENBAUM

				DMS
1	08-2781	EA	Sandy Krout v. Luke Sawdy, et al.	
	08-2815	EA	Sandy Krout v. Lee Goemmer, et al.	15
2	08-2184	EM	James Mathena v. United States	10
3	08-2344	EM	United States v. Cameron Foster	10
	08-2914	WA	William Marlar v. Renee Williams	NO ARG
4	08-3240	WM	United States v. Stephan Hudson	10

BEGINNING AT 2:00PM
BEFORE JUDGES WOLLMAN, BYE, RILEY

	08-1701	SI	PFS Distribution Company, et al. v. Darrell Raduechel, et al.	
	08-1789	SI	PFS Distribution Company, et al. v. Darrell Raduechel, et al.	15

DIVISION I
28th Floor
En Banc Courtroom

THURSDAY, APRIL 16, 2009 BEGINNING AT 9:00AM
BEFORE JUDGES LOKEN, HANSEN, COLLOTON

				MER
1	08-3332	EA	Penny Foster v. Michael Astrue	15
2	08-3061	EA	Andrea Anderson v. Family Dollar Stores	15
3	08-3337	EA	Veales Davidson v. Michael Astrue	15
4	08-3144	NE	Daniel Doyle, et al. v. Leland Graske	15
5	08-3218		Grace Healthcare of Benton v. United States Department of Health and Human Services	15
6	08-3233	WA	United States v. Guy Hamilton	10

FRIDAY, APRIL 17, 2009 BEGINNING AT 8:30AM
BEFORE JUDGES LOKEN, HANSEN, COLLOTON

				KAS
1	08-2940	NE	United States v. Ignacio Montes-Medina	15
	08-2970	NE	United States v. Carlos Vega-Toscano	
	08-3162	NE	United States v. Victor Harris	NO ARG
	08-2979	EA	United States v. Michael Rodgers	NO ARG
2	08-1629	NE	Richard Hansen v. John Doe	10

DIVISION II
27th Floor
Southeast Courtroom

MONDAY, APRIL 13, 2009
THERE WILL BE NO ORAL ARGUMENTS IN DIVISION II

TUESDAY, APRIL 14, 2009 BEGINNING AT 9:00 AM
BEFORE JUDGES WOLLMAN, MELLOY, GRUENDER

				BDG
1	08-2161	EA	Friends of Lakeview School District, et al. v. Mike Huckabee, et al.	15
2	07-3432	EA	Albert Bell v. Larry Norris	15
	08-3089	WM	United States v. Matthew Sawyer	NO ARG
3	08-3523	WM	United States v. James Dooley	10
4	08-3032	WM	United States v. James Starling	10

WEDNESDAY, APRIL 15, 2009 BEGINNING AT 9:00AM
BEFORE JUDGES WOLLMAN, MELLOY, GRUENDER

				LLB
	08-3452	WM	Estate of Buford L. Anderson v. Safeco Insurance Company	NO ARG
1	08-3537	EA	Jill Tilley v. Michael Astrue	10
	08-3366	WM	United States v. Jamil Mackey	NO ARG
	08-2772	WM	United States v. Susan Krough	NO ARG
2	08-3140	WA	United States v. Mitchell Johnson	10

DIVISION II
27th Floor
Southeast Courtroom

THURSDAY, APRIL 16, 2009 BEGINNING AT 9:00AM
BEFORE JUDGES WOLLMAN, MELLOY, GRUENDER

				ABC
1	08-2485	EA	Donna Humphries v. Pulaski County Special School District	
	08-2594	EA	Donna Humphries v. Pulaski County Special School District	15
2	08-3201	EA	Norma Dixon v. Pulaski County Special School District	15
3	08-3542	EA	Joe Whisenhunt, et al. v. Southwestern Bell Telephone, et al.	15
4	08-3214	EA	Hyundai Motor Finance Company v. McKay Motors I, et al.	10
	08-3696	WA	United States v. Jimmy Watters	NO ARG

FRIDAY, APRIL 17, 2009 BEGINNING AT 8:30AM
BEFORE JUDGES WOLLMAN, MELLOY, GRUENDER

				PJS REMOVED
	08-3169	NE	United States v. Bobby McCarther	
1	08-2909	EA	United States v. Barry Jewell	15
	08-3143	NE	United States v. Alvaro Arciniega	NO ARG
	08-2800	EA	United States v. Michael Gamble	NO ARG
2	08-3514	WM	United States v. Marquan Wilson	10

DIVISION III
27th Floor
Northeast Courtroom

MONDAY, APRIL 13, 2009 BEGINNING AT 9:00AM
BEFORE JUDGES MURPHY, HANSEN, BYE

				PAW
1	07-3485	EM	Edward Sunder, et al. v. U.S. Bank Pension Plan	
	07-3593	EM	Edward Sunder, et al. v. U.S. Bank Pension Plan	
	07-3771	EM	Edward Sunder, et al. v. U.S. Bank Pension Plan	
	08-1910	EM	Edward Sunder, et al. v. U.S. Bank Pension Plan	
	08-2616	EM	Edward Sunder, et al. v. U.S. Bank Pension Plan	20
	08-2610	WA	Ross Parkhurst, et al. v. Stephen Tabor, et al.	REMOVED
	08-2668	WA	Ross Parkhurst, et al. v. Stephen Tabor, et al.	REMOVED
2	08-3302	WM	Deanthony Thomas, et al. v. US Bank, et al.	15
3	08-2363	EM	Brian Pendleton v. Quiktrip Corporation	
	08-2434	EM	Brian Pendleton v. Quiktrip Corporation	15

TUESDAY, APRIL 14, 2009 BEGINNING AT 9:00 AM
BEFORE JUDGES MURPHY, HANSEN, BYE

				SRD
1	08-3700	WM	United States v. Hessam Ghane	15
	08-3744	WM	United States v. Marcus Reid	NO ARG
2	08-3242	WA	United States v. Phasung La Baccam	10
	08-3946	WM	United States v. Dwight Thomas	REMOVED
3	08-3146	EM	United States v. Barry Boyce	15

DIVISION III
27th Floor
Northeast Courtroom

WEDNESDAY, APRIL 15, 2009 BEGINNING AT 9:00AM
BEFORE JUDGES MURPHY, BRIGHT, BYE

1	08-3375	EM	Fannie Minor v. Michael Astrue	JMH 10
2	08-3347	WM	United States v. Bushwa Farmer	10
	08-3991	WM	United States v. Abdi Mahamud	NO ARG
3	08-3477	EM	United States v. Gary McMullin	10
	08-3312	EM	United States v. Earl Barber	
	08-3576	EM	United States v. Earl Barber	DISMISSED

BEGINNING AT 1:00 PM
BEFORE JUDGES BYE, COLLOTON, GRUENDER

	08-1871	EA	United States v. Felicia Marie Balentine	15
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THURSDAY, APRIL 16, 2009
BEFORE JUDGES MURPHY, BRIGHT, BYE

	08-2921	WA	United States v. Jack Elgin	BNS NO ARG
	08-3191	NE	United States v. Glenn Nickerson, Jr.	NO ARG
	08-3206	NE	United States v. Adrian Hudson	NO ARG
	08-3311	EM	United States v. David Stolts	NO ARG

FRIDAY, APRIL 17, 2009
THERE WILL BE NO ORAL ARGUMENTS IN DIVISION III

DIVISION IV
27th Floor
Southwest Courtroom

MONDAY, APRIL 13, 2009
THERE WILL BE NO ORAL ARGUMENT IN DIVISION IV

TUESDAY, APRIL 14, 2009 BEGINNING AT 9:00AM
BEFORE JUDGES RILEY, BENTON, SHEPHERD

1	08-2883	WM	United States v. Marzett Parker	CMD 15
2	08-2221	EM	Thomas Finan v. Good Earth Tools, et al.	15
	08-3536	WM	United States v. Uneal Davis	NO ARG
3	08-1047	EM	United States v. Emmanuel Sohn	10
4	08-3318		National Labor Relations Board v. John T. Jones Construction, et al.	15

WEDNESDAY, APRIL 15, 2009 BEGINNING AT 9:00AM
BEFORE JUDGES RILEY, BENTON, SHEPHERD

1	08-3189	EM	Industrial Wire Products v. Costco Wholesale Corporation	TAB 15
2	08-3272	EM	United States v. Horacio Cruz-Zuniga	15
3	08-2959	EM	United States v. Larry Bridges	10
4	08-3306	EM	United States v. Robert Collier	10
	08-3359	WM	United States v. William Price	NO ARG
5	08-3580	SD	United States v. John Graham	15

DIVISION IV
27th Floor
Southwest Courtroom

THURSDAY, APRIL 16, 2009 BEGINNING AT 9:00AM
BEFORE JUDGES RILEY, BENTON, SHEPHERD

				DMH
1	08-2712	EM	Diane Cook, et al. v. City of Bella Villa, et al.	20
2	08-2708	EM	William Cavataio, et al. v. City of Bella Villa, et al.	15
	08-3077	EM	Federal Trade Commission v. Richard C. Neiswonger, et al.	NO ARG
	08-3252	WM	Trishia Hooper, et al. v. Advance America	REMOVED
	08-3335	WM	United States v. Dion Clark	NO ARG
3	08-3052	EA	United States v. Nelson Miller	15

FRIDAY, APRIL 17, 2009 BEGINNING AT 8:30AM
BEFORE JUDGES RILEY, BENTON, SHEPHERD

				MDS
	08-3183	NE	United States v. Harold Stults	REMOVED
	08-3976	NE	United States v. Haider Alyass	NO ARG
	08-3904	WM	United States v. Joseph Wilson	NO ARG
	08-2905	NE	United States v. Tyrone Davis	NO ARG