

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
FOR THE FOURTH CIRCUIT
Richmond, VA (5/12/2015 - 5/13/2015 Session)

15-4019	Briefs	CRIMINAL: Multiple issues on appeal from convictions for performing official acts in exchange for gifts and loans.
US v. Robert McDonnell (Spencer)		
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14-4585	Briefs	CRIMINAL: Whether court had authority to order sentence to run concurrently with any future sentence; other issues.
US v. Gregory Obey (Dever)		
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14-1333	Briefs	CIVIL: Whether district court erred in granting summary judgment after finding that Hodges's testimony was blatantly contradicted by the record; other issues.
Jeffrey Hodges v. Federal-Mogul Corporation (Urbanski)		
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14-4444	Briefs	SUPERVISED RELEASE: Whether district court's failure to calculate policy statement revocation range affected defendant's substantial rights.
US v. Michael Hardison (Boyle)		

PANEL II
Butzner Courtroom 201
9:30 a.m.

Tuesday, May 12, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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14-4446 [Briefs](#)

US v. Charlie Bryant
(Cogburn)

CRIMINAL: Whether district court erred in applying USSG section 2A2.2 on remand.

14-1794 [Briefs](#)

Dave & Buster's, Inc. v. White Flint Mall,
(Titus)

CIVIL: Whether doctrine of continuing breach prevented radius restriction clause in lease from being barred by statute of limitations; right to cure; discovery.

14-1858 [Briefs](#)

Virginia Poindexter v. Mercedes-Benz
(Hilton)

CIVIL: Estoppel as to statutes of limitations; interplay between RESPA and VCPA; other issues.

14-1746 [Briefs](#)

SD3, LLC v. Black & Decker (U.S.) Inc
(Hilton)

ANTITRUST: Whether the amended complaint sufficiently alleged a conspiracy to boycott plaintiffs' active injury mitigation technology in the tablesaw industry; other issues.

PANEL III
Tan Courtroom (Room 223)
9:30 a.m.

Tuesday, May 12, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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14-1048 [Briefs](#) CIVIL: Whether appellants, who defaulted on automobile loans, stated damages for sales of vehicles at private, Gladys Gardner v. GMAC Incorporated rather than public, auctions under Maryland law; related issues.
(Motz)
Associations: 14-1049

13-2326 [Briefs](#) BANKRUPTCY: Whether the district court's order on appeal is interlocutory; other issues.
Diana Louise Houck v. Substitute Trustee
(Cayer)

14-1585 [Briefs](#) EMPLOYMENT: Whether district court properly dismissed railway employee's whistleblower action based on Charles Lee v. Norfolk Southern Railway Co employee's election of remedies.
(Reidinger)

PANEL IV
Tweed Courtroom (Room 414-D)
9:30 a.m.

Tuesday, May 12, 2015

REVD 5/8/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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14-1485 [Briefs](#) LABOR: Appeal from district court's dismissal of complaint challenging defendants' tip-pooling requirements.
Mohammad Sazzad v. Ryman Hospitality
(Titus)

14-2096 [Briefs](#) TITLE VII: Did district court err in failing to address claims under the "convincing mosaic" framework; other issues.
Barry Harrison v. S.C. Dept. of Mental Health
(Anderson)

14-2030 [Briefs](#) COPYRIGHT LAW: Whether district court erred in granting summary judgment on copyright infringement claims
Humphreys & Partners Architect v. Lessard
(Ellis)

PANEL V
Gold Courtroom (Room 348)
9:30 a.m.

Tuesday, May 12, 2015

REVD 4/29/15

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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13-7529	Briefs	CIVIL RIGHTS: Whether summary judgment was properly awarded as to the inmate's claims under RLUIPA and the Free Exercise Clause; other issues.
Jesus Jehovah v. Harold W. Clarke, Director (Cacheris)		
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15-1093	Briefs	CIVIL: Whether district court erred in concluding that defendants were "arms" of the state and not "persons" subject to liability under the False Claims Act.
US ex rel. Jon H. Oberg v. Pennsylvania (Hilton)		
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14-2202	Briefs	CIVIL: Whether student loan servicing agency is an "arm of the state" and therefore immune from suit.
Lee Pele v. Pennsylvania Higher Education (Cacheris)		
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14-2160	Briefs	ARBITRATION: Did arbitrator exceed his authority, disregard the law, or rule in irrational manner in denying damages or attorneys' fees request; other issues.
Laverne Jones v. Bernaldo Dancel (Motz)		

PANEL VI
Blue Courtroom (Room 339)
9:30 a.m.

Tuesday, May 12, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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14-4413 [Briefs](#)
US v. Mohamed Said
(Jackson)

CONSTITUTIONAL LAW: Does the penalty of life imprisonment violate the Eighth Amendment as applied to these defendants convicted of piracy.

Associations: 14-4420, 14-4421, 14-4423, 14-4424, 14-4429

13-4755 [Briefs](#)
US v. Kevin Fuertes
(Quarles)

CRIMINAL: Whether 18 U.S.C. section 1591 (2012) is categorically a crime of violence under 18 U.S.C. section 924(c) (2012); admission of bad acts evidence; other issues.

Associations: 13-4931

13-4816 [Briefs](#)
US v. Jeremy Naughton
(Motz)

CRIMINAL: Denial of motion to suppress evidence; whether conspiracy to commit sec trafficking is a predicate crime of violence for 18 U.S.C. section 924(c) prosecution.

PANEL I
Red Courtroom (Room 412)
8:30 a.m.

Wednesday, May 13, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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14-2078	Briefs	BANKING: Did FDIC (receiver) overcome due care/good faith/best interests of bank presumption applicable to bank directors and officers under business judgment rule; other issues.
FDIC v. Richard Rippy (Boyle)		
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14-1823	Briefs	INSURANCE: Whether hunt club member's liability for hunting is included under policy providing coverage for club activities.
Danny Marks, Jr. v. Scottsdale Insurance (Novak)		
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14-4086	Briefs	CRIMINAL: Whether 18 U.S.C. section 2423(c) is constitutional; sentencing issue.
US v. Larry Bollinger (Conrad)		
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14-1796	Briefs	ENVIRONMENTAL LAW: Whether environmental case brought by conservation league is moot; whether district court improperly denied motion to amend complaint.
South Carolina Coastal v. United States (Gergel)		

PANEL II
Butzner Courtroom 201
9:30 a.m.

Wednesday, May 13, 2015

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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14-0004	Briefs	HABEAS CORPUS: Appeal of district court's denial of habeas corpus challenge to state capital conviction and sentence of death.
Alfredo Prieto v. Keith Davis (Hudson)		
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13-4711	Briefs	CRIMINAL: Multiple issues arising from eight-week trial on charges of bank fraud and conspiracy.
US v. Stephen Fields (Jackson) Associations: 13-4863, 13-4818		
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14-4625	Briefs	CRIMINAL: Whether district court erred in supervised release revocation in finding defendant possessed firearm; standard of review; sentence.
US v. Robert Padgett (Berger) Associations: 14-4627		
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14-4220	Briefs	CRIMINAL: Whether pro se defendant's removal from courtroom for contempt during jury selection violated his Sixth Amendment rights; other issues.
US v. Phillip Ductan (Conrad)		

PANEL III
Tan Courtroom (Room 223)
8:30 a.m.

Wednesday, May 13, 2015

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14-4546 [Briefs](#) CRIMINAL: Whether N.C. conviction for discharging weapon into occupied property is a predicate "crime of violence" under illegal reentry guidelines.
US v. Edgar Parral-Dominguez
(Flanagan)

14-1362 [Briefs](#) EMPLOYMENT: Whether district court erred in finding retaliatory discharge claim barred by agreement settling employment grievance.
Sundersingh Bala v. Commonwealth of
(Hudson)

14-1517 [Briefs](#) LABOR: Whether substantial evidence supports Board's findings of unfair labor practices.
Intertape Polymer Corp. v. NLRB
Associations: 14-1553

14-1608 [Briefs](#) EMPLOYMENT: Whether the district court erred by granting summary judgment to defendant on FMLA interference claims.
Andrew Adams v. Anne Arundel County
(Garbis)

PANEL IV
Tweed Courtroom (Room 414-D)
8:30 a.m.

Wednesday, May 13, 2015

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14-2254	Briefs	INSURANCE: Whether the district court erred in concluding that insurance company had a duty to defend university against claims related to kidnapping of child.
Liberty University, Inc. v. Citizens Insurance (Moon)		
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14-1990	Briefs	LANHAM ACT: Whether district court erred in granting summary judgment with respect to Lanham Act and N.C. Unfair and Deceptive Trade Practices Act claims.
Design Resources, Incorporated v. Leather (Osteen)		
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14-1958	Briefs	EMPLOYMENT: Was summary judgment properly granted to law firm on ADA challenge to assistant's termination based on her inability to lift more than 20 pounds.
EEOC v. Womble Carlyle (Eagles)		
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14-1950	Briefs	ADMIRALTY: Whether the district court erred by dismissing appellants' statement of interest, right, and claim to a salvage operation.
Robol Law Office v. Recovery Limited (Smith)		

PANEL V
Gold Courtroom (Room 348)
8:30 a.m.

Wednesday, May 13, 2015