

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-2109

Colony Apartments v. Abacus Project Mgmt
(Williams)

TORTS. Propriety of summary judgment in favor of defendants on claims of negligent and fraudulent misrepresentations in purchase of structurally unsound property.

05-1930

Fairchild Dornier v. Official Committee
(Brinkema)

BANKRUPTCY. Whether debt owed to related corporation was properly recharacterized as contribution to equity.

05-1189

Parmenter v. Rollins Financial
(Duffy)

CIVIL. Whether expert testimony regarding damages arising from investment decisions met Daubert test for admissibility; other issues.

05-1728

Aremu v. Dept of Homeland Sec

IMMIGRATION. Whether "admission" under 8 U.S.C. Section 1227(a)(2)(A)(I) applies to grant of adjustment of status to lawful permanent resident when petitioner was previously admitted as nonimmigrant.

PANEL I
COURTROOM ONE
Courthouse Room 412 (Red Carpet)
9:30 a.m.

MONDAY, MAY 22, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

04-22

Walker v. Washington
(Hilton)

HABEAS CORPUS. Numerous issues arising out of state capital murder conviction and sentencing.

05-1981

Hyman v. City of Gastonia
(Mullen)

ABATEMENT. Whether second suit on same cause of action was properly dismissed under North Carolina's doctrine of abatement.

05-1368

Naizgi v. Gonzales

IMMIGRATION. Propriety of reversal of immigration judge's grant of humanitarian asylum.

04-2506

Locklear v. Bergman & Beving AB
(Motz)

CIVIL. Whether amended complaint naming foreign defendants for first time relates back to original complaint when amended complaint was filed after statute of limitations expired but during extended time period to effect service.

PANEL II
COURTROOM TWO
Courthouse Room 233 (Green Carpet)
9:30 a.m.

MONDAY, MAY 22, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-20

Gregory v. Polk
(Boyle)

HABEAS CORPUS. Whether petitioner's conviction and sentence of death are unconstitutional due to the state's withholding of exculpatory information material to petitioner's defense.

06-1129

US Dept Labor v. Wolf Run Mining Co
(Maxwell)

FEDERAL MINE SAFETY AND HEALTH ACT. Whether district court erred in granting preliminary injunction which allowed UMWA to participate in mine safety inspection as miner's representative.

05-1218

XO Communications v. MetroPCS, Inc.
(Ellis)

CONTRACTS. Challenge to summary judgment in favor of defendant on contract action to collect third-party telecommunications transit charges.

05-1337

Barsh v. State of MD Central
(Bennett)

BANKRUPTCY. Whether collection fees and court costs assessed in relation to collection of a nondischargeable debt are also nondischargeable.

PANEL III
COURTROOM THREE
Courthouse Room 225 (Tan Carpet)
9:30 a.m.

MONDAY, MAY 22, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-1756
Larue v. DeWolff Boberg
(Norton)

CIVIL. Whether plaintiff's claim is equitable and cognizable under ERISA.

05-1937
Pearson v. Leavitt
(Williams)

FIRST AMENDMENT. Ripeness of plaintiffs' claims that FDA's "intended use" enforcement policy for dietary ingredients violates the First Amendment as applied to planned distribution of scientific publication on "SAME" to plaintiffs' licensees.

05-1604 (L), 05-1610
Schultz v. Braga
(Mutz)

EXCESSIVE FORCE. Challenge to denial of qualified immunity to FBI agent in use of assault rifle during vehicle stop; jurisdictional issues.

PANEL IV
COURTROOM FOUR
Courthouse Room 414-D (Tweed Carpet)
9:30 a.m.

MONDAY, MAY 22, 2006

REVD 4/4/06

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

06-1003

Davis Vision, Inc. v. Maryland Optometric
(Quarles)

COLLATERAL ESTOPPEL. Whether dismissal of trade association's prior antitrust complaint against corporation based on arbitration clause estops corporation from challenging trade association's standing to arbitrate claims.

05-2307

Adkins v. Rumsfeld
(Cacheris)

CONSTITUTIONAL LAW. Whether plaintiffs have standing to bring due process and equal protection challenges to the Uniformed Services Former Spouses Protection Act, and whether claims are barred by res judicata or Rooker-Feldman doctrine.

05-1706

Caldwell v. Johnson
(Osteen)

TITLE VII. Challenge to summary judgment in favor of EPA on claims of hostile work environment and retaliation for filing EEO charges.

05-2243

Donovan v. Eaton Corporation
(Herlong)

ERISA. Whether district court erred in reversal of plan administrator's denial of continued long-term disability benefits due to debilitating back pain.

PANEL V
COURTROOM FIVE
Courthouse Annex Room 229
9:30 a.m.

MONDAY, MAY 22, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-1472 (L), 05-2186
Carr v. Deeds
(Faber)

CIVIL RIGHTS. Whether defendants had qualified immunity because injuries sustained were de minimis; exclusion of expert witness; whether wrongful death claims may be pursued under Section 1983.

05-2177
Brown v. Flowers
(Tilley)

CIVIL. Whether recording engineer established joint ownership of copyright on songs based on partnership with songwriter; other issues.

05-1942
Rogers v. Penn National Ins
(Fox)

INSURANCE. Whether endorsement in umbrella policy limits coverage available to plaintiffs.

PANEL I
COURTROOM ONE
Courthouse Room 412 (Red Carpet)
9:30 a.m.

TUESDAY, MAY 23, 2006

REVD 5/19/06

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

04-33

US v. Chadrick Fulks
(Anderson)

CRIMINAL LAW & PROCEDURE. Numerous issues arising out of federal capital murder sentencing proceedings.

05-1167

County School Board v. A.L.
(Morgan)

EDUCATION. Whether proposed Individualized Education Plan was appropriate under IDEA.

05-2242

Bominflot Inc v. Heinrich
(Duffy)

MARITIME LAW. Whether district court erred in dismissing claim for enforcement of maritime lien against container vessel for unpaid fuel charges.

PANEL II
COURTROOM TWO
Courthouse Room 233 (Green Carpet)
9:30 a.m.

TUESDAY, MAY 23, 2006

REVD 5/19/06

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-1336

First Penn Pacific v. Evans
(Davis)

INSURANCE. Challenge to denial of motion to reopen previous
abstention dismissal.

05-2253

Cowan Systems Inc v. Harleysville Mutual
(Blake)

INSURANCE. Whether district court correctly interpreted
workers' compensation, employer's liability, auto liability
and insured contract exclusions in concluding that insurer
had duty to defend insured under commercial general
liability policy.

PANEL III
COURTROOM THREE
Courthouse Room 225 (Tan Carpet)
9:30 a.m.

TUESDAY, MAY 23, 2006

REVD 5/15/06

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-2206

Kanawha Insurance Co v. Employers Reinsuranc
(Seymour)

INSURANCE. Whether South Carolina law requires a reinsurer receiving level premiums for long-term care insurance coverage to establish active life reserves; other issues.

05-1991

NLRB v. Alpha Associates

LABOR RELATIONS. Whether company voluntarily recognized union as employees' Section 9(a) exclusive representative.

05-2254

Miller v. Brown
(Hudson)

FIRST AMENDMENT. Justiciability of 11th Senatorial District Republican Committee's claims that Va. Code Section 24.2-530 violates their First Amendment free association rights by mandating that any primaries used to select party candidates be open.

05-2322

Telebrands Corp v. FTC

FALSE ADVERTISING. Whether substantial evidence supports Federal Trade Commission's determination that petitioners engaged in false advertising in their "direct response" marketing of electronic muscle stimulation product; whether cease and desist order is overbroad.

PANEL IV
COURTROOM FOUR
Courthouse Room 414-D (Tweed Carpet)
9:30 a.m.

TUESDAY, MAY 23, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-1508

Child Evangelism v. Montgomery County
(Messitte)

FIRST AMENDMENT. Whether revised policy of Montgomery County Public Schools governing distribution of flyers complies with First Amendment.

05-2160

Mylan Pharmaceutical v. FDA
(Keeley)

ADMINISTRATIVE PROCEDURES ACT. Whether FDA's interpretation of "Hatch-Waxman Amendments" creating "180-day generic marketing exclusivity" period was arbitrary, capricious, or contrary to law.

05-2046

KCI Management Corp v. Posternak Blankstein
(Duffy)

STATUTE OF LIMITATIONS. Whether plaintiffs had reason to know through exercise of due diligence that they had cause of action for malpractice and related claims more than three years before filing suit.

05-1819

Manor Care of Amer v. Property & Casualty
(Legg)

CIVIL. Whether insured's claim for defense and indemnification is a "covered claim" under the terms of the Maryland insurance guaranty fund statute.

PANEL V
COURTROOM FIVE
Courthouse Annex Room 229
9:30 a.m.

TUESDAY, MAY 23, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-2095

US v. Matthews
(Boyle)

PROPERTY RIGHTS. Challenge to district court's determination under status quo ante theory on remand that North Carolina has superior possessory interest in its original copy of Bill of Rights.

05-1735

Garraghty v. VA Retirement Sys
(Williams)

CONSTITUTIONAL LAW. Whether federal review of plaintiff's due process claims is precluded by either the Rooker-Feldman doctrine or plaintiff's alleged failure to pursue alternative state remedies.

05-1192

Schultz v. Capital Intl Sec Inc
(Lee)

FAIR LABOR STANDARDS ACT. Whether district court erred in denying claims for overtime pay brought by security officers.

05-1747

American Bankers Ins v. Long
(Anderson)

ARBITRATION. Whether district court erred in denying motion to compel arbitration.

PANEL I
COURTROOM ONE
Courthouse Room 412 (Red Carpet)
9:30 a.m.

WEDNESDAY, MAY 24, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-7604

Tudor v. Moore
(Harwell)

EIGHTH AMENDMENT. Whether exposure of asthmatic prisoner to second-hand smoke constitutes deliberate indifference to serious medical need; whether defendants are entitled to qualified immunity.

05-2003

Rux v. Republic of Sudan
(Doumar)

FOREIGN SOVEREIGN IMMUNITY ACT. Whether lawsuit seeking damages arising from bombing of U.S.S. Cole can proceed against Sudan under terrorist exception to Foreign Sovereign Immunity Act; other issues.

05-1781

Newport News Shipbld v. Young

LONGSHORE. Whether claimant established a compensable, work-related injury; whether employer entitled to Section 8(f) relief.
15 mins. per side

PANEL II
COURTROOM TWO
Courthouse Room 233 (Green Carpet)
9:30 a.m.

WEDNESDAY, MAY 24, 2006

REVD 5/11/06

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-1225

Benase v. Gonzales

IMMIGRATION. Whether the immigration judge erred denying the application for relief under the Convention Against Torture; related issues.

05-1518

Kronish Lieb Weiner v. Fort
(Floyd)

BANKRUPTCY. Preclusive effect to be afforded to consent order fixing amount and priority of debt owed to debtor's attorney.

05-1689

Fedder Development v. FB Hagerstown, LLC
(Bredar)

CIVIL. Whether a contract for sale of shopping center existed; other issues.

05-1654

Chao v. Malkani
(Quarles)

ERISA. Whether district court erred in removing defendants as Plan Fiduciaries and requiring payment of \$700,000 in unpaid contributions.

PANEL III
COURTROOM THREE
Courthouse Room 225 (Tan Carpet)
9:30 a.m.

WEDNESDAY, MAY 24, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-1847

Pascual v. Lowe's Home Centers
(Hilton)

TITLE VII. Whether there was sufficient evidence of
retaliation to preclude summary judgment.

05-1832

Collins v. Pond Creek Mining Co

BLACK LUNG. Whether collateral estoppel precludes
respondent in survivor's case from litigating question of
whether miner had pneumoconiosis.
15 mins. per side

05-2036

Meyers v. Levinson
(Friedman)

DEFAMATION. Challenge to summary judgment on the basis of
statute of limitations and issue of whether republication
was not the natural and probable consequence of original
publication.

PANEL IV
COURTROOM FOUR
Courthouse Room 414-D (Tweed Carpet)
9:30 a.m.

WEDNESDAY, MAY 24, 2006

REVD 5/23/06

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-1926

Vercon Construction v. Highland Mortgage Co
(Anderson)

TORTS. Whether there was a genuine issue of material fact regarding the existence of a fiduciary relationship; related issues.

05-4359

US v. Abdurahman Alamoudi
(Hilton)

FORFEITURE. Propriety of forfeiture of substitute assets absent defendant's consent to such forfeiture in his plea agreement; other issues.

05-1859

Allstate Insurance v. Fritz
(Moon)

INSURANCE. Challenge to summary judgment in favor of tenants on insurance company's claims seeking subrogation for costs of rebuilding apartment building destroyed by fire originating in tenants' unit.

PANEL V
COURTROOM FIVE
Courthouse Annex Room 223
9:30 a.m.

WEDNESDAY, MAY 24, 2006

REVD 5/22/06

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-22

Schmitt v. Kelly
(Payne)

HABEAS CORPUS. Numerous issues arising out of state capital murder conviction and sentencing.

04-4088

US v. Richard D. Allen
(Davis)

SENTENCING GUIDELINES. Challenge to downward departure based on duress and over-representation of criminal history.
15 mins. per side

04-2329

Tjen v. Gonzales

IMMIGRATION. Whether in light of REAL ID Act this Court has jurisdiction to consider Board's finding that no exception applied to excuse late filing of asylum application.

05-6455

Al-Amin v. Johnson
(Jackson)

ADMINISTRATIVE REMEDIES. Whether a "mixed" complaint containing exhausted and unexhausted claims must be completely dismissed under 42 U.S.C. Section 1997e(a).

PANEL I
COURTROOM ONE
Courthouse Room 412 (Red Carpet)
9:30 a.m.

THURSDAY, MAY 25, 2006

REVD 4/27/06

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-1228

Denny v. Elizabeth Arden
(Hilton)

CIVIL RIGHTS. Whether salon and spa are public accommodations under 42 U.S.C. Section 2000a (2000); other issues.

05-1739

ABT Building Product v. National Union Fire
(Voorhees)

INSURANCE. Whether district court should have set aside multi-million dollar jury verdict against insurance company on duty to defend deceptive trade practices claims; other issues.

05-1230

Hux v. City of Newport News
(Friedman)

TITLE VII. Whether employee was denied promotion because of gender and retaliation.

05-1611

Jensen v. Intl Business
(Brinkema)

EMPLOYMENT CONTRACT. Whether employer breached an agreement to pay full sales commissions.

PANEL II
COURTROOM TWO
Courthouse Room 233 (Green Carpet)
9:30 a.m.

THURSDAY, MAY 25, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

04-4519 (L), 04-4520 04-4521 05-4811 05-4818 05-4893

US v. Masoud Ahmad Kahn
(Brinkema)

CRIMINAL LAW & PROCEDURE. Jury waiver, prejudicial joinder, sufficiency of the evidence, and other trial and sentencing challenges to convictions for conspiracy to support a terrorist organization.

05-1647

Natl Cty Bank v. Turnbaugh
(Blake)

PREEMPTION. Challenge to ruling that Maryland's Mortgage Lender Law and Maryland Prepayment Restriction are preempted by National Bank Act and regulations thereunder.

05-1825

Frahm v. US
(Kiser)

TITLE VII. Whether monetary damages are an available remedy to federal employee for government's breach of settlement agreement; attorney's fees.

PANEL III
COURTROOM THREE
Courthouse Room 225 (Tan Carpet)
9:30 a.m.

THURSDAY, MAY 25, 2006

REVD 5/19/06

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

04-4841 (L), 04-4873, 04-5012
US v. Farhad Talebnejad
(Messitte)

05-1920
Glaser v. Enzo Biochem, Inc
(Lee)

05-2004
Conley v. Town of Elkton
(Conrad)

NATURE OF CASE

CRIMINAL. Challenge to dismissal of charges alleging the defendant engaged in illegal money transmitting business; other issues.
30 mins. per side

FRAUD. Whether district court erred in dismissing fraud claim for failure to allege loss causation.

EMPLOYMENT. Challenge to summary judgment in favor of town officials on claims that termination of deputy sheriff violated his First Amendment speech and association rights.

PANEL IV
COURTROOM FOUR
Courthouse Room 414-D (Tweed Carpet)
9:30 a.m.

THURSDAY, MAY 25, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

04-4377
US v. Henry Cooper
(Kiser)

05-2344
Presley v. City of Charlottes
(Moon)

NATURE OF CASE

SENTENCING GUIDELINES. Assault on law enforcement officer creating substantial risk of serious bodily injury, USSG Section 3A1.2(b); Sixth Amendment error in sentencing.

CONSTITUTIONAL LAW. Whether city's publication of maps showing plaintiff's property was part of city hiking trail constituted unreasonable seizure or deprivation of property without due process.

PANEL V
COURTROOM FIVE
Courthouse Annex Room 223
9:30 a.m.

THURSDAY, MAY 25, 2006

REVD 5/19/06

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-4048

US v. Christopher Crudup
(Fox)

CRIMINAL LAW & PROCEDURE. What is proper standard of review for an appeal from the imposition of sentence following the revocation of supervised release.

05-5054

US v. Enrique Perez-Pena
(Howard)

SENTENCING GUIDELINES. Challenge to downward departure based on sentence disparities between districts that have implemented "fast-track" programs for alien re-entry cases and those that have not; other issues.

PANEL I
COURTROOM ONE
Courthouse Room 412 (Red Carpet)
8:30 a.m.

FRIDAY, MAY 26, 2006

REVD 4/27/06

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-1540 (L), 05-1541 05-1791
Brooks v. Danielsen
(Williams)

CONSTITUTIONAL LAW. Whether state laws limiting amount of alcoholic beverages consumers may transport into state and allowing state-run stores to sell only in-state wines violate dormant Commerce Clause; other issues.

04-4253
US v. Dwane Edward Cherry
(Chasanow)

ACCA. Whether district court's finding that prior juvenile adjudication qualified as violent felony was error.

04-7252
Green v. Young
(Turk)

PLRA. Whether a suit dismissed for failure to exhaust administrative remedies counts as a "strike" for purpose of the PLRA.

05-4565
US v. Steven Ira Cohen
(Howard)

CRIMINAL LAW & PROCEDURE. Whether restitution constitutes part of the "sentence" for purposes of the scope of an appellate waiver.

PANEL II
COURTROOM TWO
Courthouse Room 233 (Green Carpet)
8:30 a.m.

FRIDAY, MAY 26, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-1975

Goettee v. Commissioner, IRS

TAX. Whether IRS abused its discretion in denying abatement of interest under 26 U.S.C. Section 6404; other issues.

05-2108

Consolidation Coal v. Williams

BLACK LUNG. Whether claim was untimely; whether ALJ's findings are supported by substantial evidence.
15 mins. per side

05-5090 (L), 05-5173

US v. Kenneth W. Curry
(Kelley)

CRIMINAL LAW & PROCEDURE. Whether downward departure in internet fraud case was unreasonable; challenge to sufficiency of evidence.

02-4390 (L), 02-4393 02-4402

US v. Tavon Bradley
(Davis)

CRIMINAL LAW & PROCEDURE. Whether district court's comments during plea colloquy violated Fed. R. Crim. P. 11(c)(1) and rendered appellants' guilty pleas involuntary.

PANEL III
COURTROOM THREE
Courthouse Room 225 (Tan Carpet)
8:30 a.m.

FRIDAY, MAY 26, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

04-1468

Wells Fargo Bank v. Levin Professional
(Cacheris)

GARNISHMENT. Whether assignment of lease was valid and
barred garnishment of lease payments.

05-2071

Phelps v. Theison
(Herlong)

ERISA. Whether employers breached fiduciary duties to
self-funded health plan and plan participants; other
issues.

05-4381

US v. Frank Williams
(Quarles)

CRIMINAL LAW & PROCEDURE. Whether a defendant who dons an
article of clothing at trial "testifies," thus permitting
cross-examination regarding his prior crimes.

04-4574 (I), 04-4575

US v. Thomas E. Smith, Jr.
(Ellis)

CRIMINAL LAW & PROCEDURE. Whether defendants were
prejudiced by alleged judicial intervention during
examination of witnesses; other issues.

PANEL IV
COURTROOM FOUR
Courthouse Room 414-D (Tweed Carpet)
8:30 a.m.

FRIDAY, MAY 26, 2006

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(05/22/2006 - 05/26/2006 Session)

NUMBER AND STYLE

NATURE OF CASE

05-4295

US v. Michael E. Hillyer
(Boyle)

SENTENCING. Challenge to downward departure from the
advisory guideline range.
15 mins. per side

06-1144

Universal Furniture v. Collezione Europa
(Bullock)

COPYRIGHT. Whether the district court erred in refusing to
grant appellant's request for preliminary injunction
barring the manufacture, distribution, and sale by the
appellee of its 20000 and 20200 furniture collections.

05-4980

US v. Donna Shull
(Chambers)

CRIMINAL LAW & PROCEDURE. When calculating amount of loss,
what weight is to be given SSA's conclusion that defendant
was self-employed; other issues.

PANEL V
COURTROOM FIVE
Courthouse Annex Room 223
8:30 a.m.

FRIDAY, MAY 26, 2006

REVD 5/15/06