

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(09/23/2003 - 09/26/2003 Session)

NUMBER AND STYLE

NATURE OF CASE

02-2149
Antoinette Marino v. Pioneer Edsel

FEDERAL PROCEDURE. Whether district court improperly assumed jurisdiction over a matter pending in California Superior Court.

03-4
Dennis Orbe v. William True
(Ellis)

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

02-1761 (L), 02-1818
Michael Bailey v. D. Kennedy
(Horn)

CIVIL RIGHTS. Challenge to denial of qualified immunity to defendants in action alleging false arrest and excessive force arising out of involuntary commitment.

PANEL I
COURTROOM ONE
Courthouse Room 435 (Red Carpet)
9:30 a.m.

TUESDAY, SEPTEMBER 23, 2003

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(09/23/2003 - 09/26/2003 Session)

NUMBER AND STYLE

NATURE OF CASE

02-20

USA v. Aquilia Barnette
(Voorhees)

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

02-4886

USA v. Desmond Lawrence
(Shedd)

CRIMINAL LAW & PROCEDURE. Whether the defendant was
properly found to be a de facto career offender.

02-2264 (L), 02-2303

Charleston Area v. Parke-Davis
(Stamp)

PRODUCTS LIABILITY. Whether medical center's claim of
indemnification from drug manufacturer was barred;
challenge to expert testimony and punitive damages.

00-1123

Works Council v. US Dept Air Force
(Ellis)

ADMINISTRATIVE PROCEDURES ACT. Whether the appellants were
within the zone of interest of the Federal Activities
Inventory Reform Act; other issues.

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

TUESDAY, SEPTEMBER 23, 2003

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(09/23/2003 - 09/26/2003 Session)

NUMBER AND STYLE

NATURE OF CASE

02-6629
USA v. John Rannazisi
(Fox)

CRIMINAL. Whether convicted felon retains sufficient property interests in firearms that are unrelated to criminal activity to unconditionally assign those interests to another.

02-1327
Ariel Orquera v. INS

IMMIGRATION. Whether this Court has jurisdiction to address the petitioners' claims regarding the INS's denial of their applications for adjustment of status pursuant to 8 U.S.C. Section 1255a(f)(4)(A) (2000).

02-1694
Eastern Assoc v. DOWCP

BLACK LUNG BENEFITS. Whether Lilly was totally disabled as a result of pneumoconiosis; whether pneumoconiosis contributed to Lilly's death. 15 mins. per side

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

TUESDAY, SEPTEMBER 23, 2003

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(09/23/2003 - 09/26/2003 Session)

NUMBER AND STYLE

NATURE OF CASE

02-2068
Legal Services v. Client Centered
(Jones)

CONTRACTS. Challenge to summary judgment and imposition of a constructive trust on a reversionary interest in real property purchased with plaintiff corporation's funds.

03-1118
Planned Parenthood v. B. Rose
(Duffy)

CONSTITUTIONAL LAW. Whether plaintiffs had standing to challenge state issuance of "Choose Life" auto license plates on the ground of viewpoint discrimination.

02-7735
Jerry Young v. Prince George's Cnty
(Messitte)

SECTION 1983. Whether police officer used excessive force during traffic stop against undercover FBI agent; other issues.

02-2098
Alice Kebe v. Officer Brown
(Chasanow)

CIVIL ACTION. Waiver of right to appeal magistrate judge's order; pretrial and post-trial failure to award attorney's fees; jury instruction; evidentiary hearing.

PANEL IV
COURTROOM FOUR
Courthouse Room 420 (Tweed Carpet)
9:30 a.m.

TUESDAY, SEPTEMBER 23, 2003

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(09/23/2003 - 09/26/2003 Session)

NUMBER AND STYLE

NATURE OF CASE

03-5
James Tucker v. Jon Ozmint
(Duffy)

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

03-1534
Child Evangelism v. Montgomery Cnty
(Messitte)

FIRST AMENDMENT. Challenge to district court's denial of preliminary injunctive relief requiring school to permit religious organization to participate in school district's "take-home flyer forum."

02-2271
Sylvester Johnson v. Continental Casualty
(Cogburn)

ERISA. Whether Johnson established grounds for benefits under the plan.

02-2076
Sea Island v. HHS

ADMINISTRATIVE AGENCIES. Challenge to civil monetary penalty and termination of nursing home's Medicare/Medicaid participation.

PANEL I
COURTROOM ONE
Courthouse Room 435 (Red Carpet)
9:30 a.m.

WEDNESDAY, SEPTEMBER 24, 2003

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(09/23/2003 - 09/26/2003 Session)

NUMBER AND STYLE

NATURE OF CASE

02-1687
Victor Morgan v. Greenbrier Cnty
(Faber)

IDEA. Reimbursement for educational placement.

02-2411
Allen Sheppard v. CSX
(Currie)

TORTS. Challenge to summary judgment in action against railroad arising out of worker's injuries sustained during railroad's annual maintenance work on scales owned and operated by third party.

02-2000
Ronald Parkinson v. Anne Arundel Medical
(Motz)

AMERICANS WITH DISABILITIES ACT. Whether employee who returned to work following heart attack was disabled; retaliation claims; other issues.

02-4700
USA v. Ronnie Bowman
(Shedd)

CRIMINAL LAW & PROCEDURE. Whether Bowman presented sufficient grounds to warrant the withdrawal of his guilty plea; other issues.

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

WEDNESDAY, SEPTEMBER 24, 2003

UNITED STATES COURT OF APPEALS
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Richmond, Virginia
(09/23/2003 - 09/26/2003 Session)

NUMBER AND STYLE

NATURE OF CASE

02-2091
Fred Mueller v. Clayton Thomas
(Hilton)

CONTRACT. Whether companies' actions amounted to a breach of warranty of financial condition of either company; other issues.

02-2316
Farmers Mutual v. Appalachian Power
(Goodwin)

TORTS. Whether dismissal of cross-claim against joint tortfeasor bars subsequent action for indemnification or contribution.

03-1106
James Robinson v. Thomas Glynn
(Motz)

SECURITIES. Whether plaintiff's ownership interests constituted securities for purposes of a claim under state and federal securities law.

03-1046
Alan Boehm v. Kenneth Lawson
(Bredar)

EDUCATION. Challenge to district court decision that school system failed to offer student a free appropriate public education as required by IDEA.

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WEDNESDAY, SEPTEMBER 24, 2003

UNITED STATES COURT OF APPEALS
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(09/23/2003 - 09/26/2003 Session)

NUMBER AND STYLE

NATURE OF CASE

03-1108
Volvo Construction v. CLM Equipment
(Thornburg)

CONTRACTS. Challenge to manufacturer's termination of
dealer franchise agreements.

02-2416 (L), 02-2439
Surjit Bhella v. Gordon England
(Duffy)

EMPLOYMENT. Challenge to sufficiency of evidence on hostile
work environment and discriminatory animus; damages.

02-2386
Drawbridge Special v. Shawnee Hills
(Goodwin)

BANKRUPTCY. Whether bank's appeal from order directing it
to honor debtor's payroll checks was equitably moot.

02-4494
USA v. Robert Wardwick
(Davis)

FOURTH AMENDMENT. Whether procurement and execution of
search warrant complied with constitutional requirements.

PANEL IV
COURTROOM FOUR
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9:30 a.m.

WEDNESDAY, SEPTEMBER 24, 2003

UNITED STATES COURT OF APPEALS
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Richmond, Virginia
(09/23/2003 - 09/26/2003 Session)

NUMBER AND STYLE

NATURE OF CASE

03-3
James Wilson v. Jon Ozmint
(Perry)

HABEAS CORPUS. Whether petitioner's plea of "guilty but mentally ill" was knowing and voluntary in state capital case; other issues.

02-2469 (L), 03-1026 03-1346 03-1493
Everett Davis v. Meridian Films
(Wooten)

COPYRIGHT. Challenge to summary judgment on copyright infringement claims; attorney's fees.

02-2283
Norman Ottmann v. Hanger Orthopedic
(Williams)

SECURITIES EXCHANGE ACT. Challenge to dismissal of second amended complaint for failure to allege actionable security fraud.

03-1159
Stephen Rizoti v. Harold Plemmons
(Voorhees)

CONTRACTS. Whether breach of oral contract action is barred by Florida's Statute of Frauds; challenge to summary judgment on alleged unfair trade practices and breach of fiduciary duties.

PANEL I
COURTROOM ONE
Courthouse Room 435 (Red Carpet)
9:30 a.m.

THURSDAY, SEPTEMBER 25, 2003

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(09/23/2003 - 09/26/2003 Session)

NUMBER AND STYLE

NATURE OF CASE

03-1708 (L), 03-1709 03-1710 03-1711 03-1712 03-1713 03-1714 03-1715

East Tennessee v. John Sage
(Kiser)

EMINENT DOMAIN. Challenge to district court's order
granting private gas companies immediate possession of
owners' property.

02-4684

USA v. Emanuel Alvarez
(Howard)

CRIMINAL LAW & PROCEDURE. Challenge to district judge's
entry of a "Judgment of Acquittal" after declaring
mistrial because jury was unable to reach unanimous
verdict.

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

THURSDAY, SEPTEMBER 25, 2003

REVD 9/12/03

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(09/23/2003 - 09/26/2003 Session)

NUMBER AND STYLE

NATURE OF CASE

03-1125
Alan Newsom v. Albemarle Cnty
(Moon)

CIVIL RIGHTS. Challenge to denial of preliminary injunction challenging public school's policy prohibiting T-shirts depicting firearms.

03-1011
Ernest Richardson v. Boddie-Noell Enterprises
(Moon)

TORTS. Whether district court erred in allowing plaintiff to present evidence of defendant's remedial measures after accident; challenge to jury selection, denial of remittitur and counsel's alleged misconduct.

02-2020 (L), 02-2092
US ex rel Harrison v. Westinghouse
(Currie)

FALSE CLAIMS ACT. Whether certification of no conflict of interest was material and knowingly false; damages.

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

THURSDAY, SEPTEMBER 25, 2003

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Richmond, Virginia
(09/23/2003 - 09/26/2003 Session)

NUMBER AND STYLE

NATURE OF CASE

02-4093 (L), 02-4139
USA v. Rolando Stockton
(Garbis)

CRIMINAL LAW & PROCEDURE. Sufficiency of evidence on drug and weapons counts; whether district court improperly granted a downward departure at sentencing.

02-4650
USA v. Sylvia Ryan-Webster
(Ellis)

CRIMINAL LAW & PROCEDURE. Whether documents that defendant submitted fall within the ambit of the statute of conviction; other issues.

02-4844
USA v. Agnes Holbrook
(Jones)

CRIMINAL LAW & PROCEDURE. Whether Holbrook's motion to withdraw her guilty plea voided the government's obligations under the plea agreement when the district court found Holbrook bound by her agreement.

PANEL I
COURTROOM ONE
Courthouse Room 435 (Red Carpet)
8:30 a.m.

FRIDAY, SEPTEMBER 26, 2003

UNITED STATES COURT OF APPEALS
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NUMBER AND STYLE

NATURE OF CASE

02-4673 (L), 02-4751
USA v. Tommy Rice
(Seymour)

CRIMINAL LAW & PROCEDURE. Challenge to sufficiency of the evidence; whether defendant should have been sentenced to a mandatory life sentence.

02-4961
USA v. Richard Klecker
(Morgan)

CRIMINAL LAW & PROCEDURE. Whether drug is a controlled substance analogue; other issues.

02-2284
Andre Foreman v. Charles Griffith
(Doumar)

CIVIL RIGHTS. Whether defendant was sued in his official capacity and entitled to immunity; whether complaint adequately alleged that constitutionally protected interests were taken without due process.

02-4302
USA v. Kevin Rideout
(Stamp)

CRIMINAL LAW & PROCEDURE. Challenge to district court's use of a special interrogatory; admissibility of evidence; sentencing issues.

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NUMBER AND STYLE

NATURE OF CASE

03-1160
Judicial Watch v. USA
(Nickerson)

FREEDOM OF INFORMATION ACT. Challenge to summary judgment on issues of the adequacy of the IRS' search for responsive documents, the index of withheld documents, and the grounds for withholding and redacting documents.

02-4664
USA v. Kenzie Hylton
(Nickerson)

CRIMINAL LAW & PROCEDURE. Whether warrantless search for a gun under bed mattress during protective sweep of apartment was illegal; other issues.

03-1033
Dominique Gantt v. Security USA
(Chasanow)

EMPLOYMENT. Challenge to summary judgment on claims of negligence, sex discrimination and intentional infliction of emotional distress.

02-4833
USA v. Joseph Pratt
(Williams)

CRIMINAL LAW & PROCEDURE. The propriety of the district court's consideration of appellant's prior commitment for civil contempt for failure to pay child support in calculating criminal history; other issues.

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FRIDAY, SEPTEMBER 26, 2003