

*United States Court of Appeals
for the Tenth Circuit*

SEPTEMBER 2004 SESSION

DENVER, COLORADO

MONDAY, SEPTEMBER 27, 2004

COURTROOM 1

Seymour, Henry, & Lucero

1:00 p.m.

03-4256)	UT	Salt Lake Tribune Publishing Company, LLC, Appellant v. Management Planning, Inc., et al.
03-4259)		
02-8026)	WY	Northern Arapaho Tribe v. State of Wyoming, et al., Appellants
02-8031)		(Cross-Appeals)
03-8091	WY	Nautilus Insurance Company v. Our Camp, Inc., etc., Defendant; Michael MacConnell, Appellant
03-8057	WY	Camie R. Dunbar, et al., Appellants v. Jackson Hole Mountain Resort Corporation, etc.
02-2301)	NM	Society of Lloyd's v. Richard A. Reinhart, et al., Appellants
03-4065)	UT	(20 minutes per side for oral argument)
03-4082)	UT	
03-4094)	UT	Society of Lloyd's v. Wallace R. Bennett, et al., Appellants
03-4183)		(Submitted on the Briefs)
04-4142)		

September 24, 2004

MONDAY, SEPTEMBER 27, 2004

COURTROOM II

Briscoe, Murphy & Stewart

1:00 p.m.

02-5204	NOK	Brett Ashley Webber, Appellant v. H. N. Scott, etc.
04-7005	EOK	Laura Loomis Gray v. Sonya Baker, et al., Appellants
03-3336	KS	Sharon K. Carr, Appellant v. Richard Koerner
02-1428	CO	William McNally, Appellant v. Colorado State Patrol, et al.
03-1526	CO	Paul D. Gorman v. Carpenters' & Millwrights' Health Benefit Trust Fund, Appellant
03-1444) 03-1451)	CO	U.S. Energy Corporation, etc., et al., Appellants v. Nukem, Inc., etc., et al. (Cross-Appeals) (Arguments will be <i>in camera</i>)

MONDAY, SEPTEMBER 27, 2004

COURTROOM III

Tacha, Kelly, & McConnell

1:00 p.m.

03-6311	WOK	Mark Crutchfield, Appellant v. Countrywide Home Loans, et al.
03-6278	WOK	John Boutwell, Appellant v. Frank Keating, individually and in his official capacity as Governor of the State of Oklahoma, et al.
03-1393	CO	David M. Albert, Appellants v. Advisor's Capital Investments, Inc., et al.
03-1257	CO	Cynthia Duncan, Appellant v. Manager, Department of Safety, City and County of Denver, et al.
03-1507	CO	Glenn R. Graham, Appellant v. Progressive Casualty Insurance Company, etc. (Submitted on the Briefs)
03-1142) 03-1154)	CO	Royal Maccabees Life Insurance Company, Appellant v. Stephen J. Choren (Cross-appeals)

TUESDAY, SEPTEMBER 28, 2004

COURTROOM I

Kelly, Briscoe & Tymkovich

9:00 a.m.

04-5002	NOK	United States of America v. Noe Rosales, Appellant* (Video Argument)
04-5010	NOK	United States of America v. Marcell Jeron Norman, Appellant* (Video Argument)
03-6289	WOK	United States of America v. Jimmy Lynn Horn, Appellant* (Video Argument)
04-6041	WOK	United States of America v. David DeWayne Doshier, Appellant* (Video Argument)
04-6049	WOK	United States of America v. Brian Bass, Appellant* (Video Argument)

***Counsel will argue via video teleconferencing from Oklahoma City, Oklahoma site.**

TUESDAY, SEPTEMBER 28, 2004

COURTROOM II

Ebel, O'Brien & Stewart

9:00 a.m.

03-5162	NOK	Osage Nation v. State of Oklahoma ex rel. Oklahoma Tax Commission, et al., Appellants
03-6243	WOK	Paper, Allied Industrial, Chemical & Energy Workers International Union, Local 8-593, et al. v. Continental Carbon Company, Appellant; Oklahoma Department of Environmental Quality, et al., Amici Curiae
03-7133	EOK	Joe N. Stewart, et al. v. Earle M. Jorgensen Corporation, et al.; Kansas City Southern Railway Corporation, Appellant
03-7134) 04-7021)	EOK	United States of America v. John Javilo McCullah, Appellant
03-7093	EOK	United States of America v. MGB Associates, an irrevocable trust, et al., Appellants (Submitted on the Briefs)
04-1025	CO	Wendy Faustin v. City and County of Denver, Colorado, et al., Appellants

TUESDAY, SEPTEMBER 28, 2004

COURTROOM III

Tacha, Holloway, & Lucero

9:00 a.m.

03-8068	WY	Renna Pehle, et al., Appellants v. Farm Bureau Life Insurance Company, Inc., et al.
03-5029	NOK	James J. Fitzgerald, Appellant v. Corrections Corporation of America, etc., et al.
03-2311	NM	United States of America v. Brian Maddox, Appellant
04-2012	NM	United States of America v. Harold Begay, Appellant
04-2008	NM	United States of America v. Andres Sanchez-Cruz, Appellant
04-2032	NM	United States of America v. Raymond Arthur Malouff, Appellant

TUESDAY, SEPTEMBER 28, 2004

COURTROOM IV

Seymour, Porfilio & Murphy

9:00 a.m.

03-2123	NM	United States of America v. Manuel Sierra-Castillo, etc., Appellant
04-2004	NM	United States of America v. Donald Trujillo, Appellant
03-3308	KS	Vernon P. Thomas, Appellant v. Michael A. Nelson, etc., et al.
03-3241	KS	United States of America, Appellant v. Stacie K. Crass
03-3276	KS	United States of America v. Alfredo Roman-Roman, Appellant (Submitted on the Briefs)
03-3263	KS	United States of America v. Jerome Daniel Foote, Appellant

WEDNESDAY, SEPTEMBER 29, 2004

COURTROOM I

Lucero, Anderson & McConnell

9:00 a.m.

03-9577	FERC	Fuel Safe Washington, Petitioner v. Federal Energy Regulatory Commission
03-2244	NM	Stuart T. Guttman, M.D., Appellant v. G.T.S. Khalsa, et al.
03-2231	NM	Deena Tanberg, et al., Appellants v. Tom Sholtis, Officer of the Albuquerque Police Department, etc., et al.
02-2224	NM	Maria Consuelo Chavez, et al., Appellants v. State of New Mexico, doing business as Children Youth and Families Department, et al.
04-6002	WOK	Patti L. Reams, Appellant v. State of Oklahoma, ex rel. Oklahoma Department of Human Services and Oklahoma Health Care Authority, et al.; Association for Community Living, Inc., Amicus Curiae

Henry, Briscoe & O'Brien

2:00 p.m.

03-6301	WOK	James Patrick Malicoat, Appellant v. Mike Mullin, Warden, Oklahoma State Penitentiary (Death Penalty)
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WEDNESDAY, SEPTEMBER 29, 2004

COURTROOM II

Hartz, McKay, & O'Brien

9:00 a.m.

02-1512	CO	Carolina Casualty Insurance Company, et al., Appellants v. Pinnacol Assurance; American Association of People with Disabilities, et al., Amici Curiae
03-9570	LABR	Adrienne Anderson, Petitioner v. United States Department of Labor; PACE 5-477, et al., Amici Curiae
03-1432) 03-1434) 03-1473)	CO	In re Wal-Mart Stores, Inc., Fair Labor Standards Act Litigation, MDL 1139; Jerry Archuleta, et al. v. Wal-Mart Stores, Inc., etc., Appellant;
03-1184	CO	Sonny (Kilson) Elkins, Appellant v. Michael Comfort, Acting District Director, United States Immigration and Naturalization Service, etc., et al.
02-1468	CO	Rita L. MacKenzie, Appellant v. City and County of Denver, etc., et al.
03-2161	NM	E. Spire Communications, Inc. et al., Appellant v. New Mexico Public Regulation Commission, et al.

WEDNESDAY, SEPTEMBER 29, 2004

COURTROOM III

Tacha, Baldock & Henry

9:00 a.m.

03-4237	UT	Sam Melessa, etc. v. Judy Randall, etc., Appellant
03-4063	UT	Federal Trade Commission, Appellant v. Freecom Communications, Inc., et al.
03-4245	UT	Eric Ward, Appellant v. State of Utah, a governmental entity, et al.
03-4163	UT	Diane D. Dick, Appellant v. Phone Directories Company, Inc.
03-4180	UT	Delia Allan, Appellant v. Springville City, etc., et al.

WEDNESDAY, SEPTEMBER 29, 2004

COURTROOM IV

Ebel, McWilliams & Friot

9:00 a.m.

03-4244	UT	Southern Utah Wilderness Alliance, etc., et al., Appellants v. Gale A. Norton, Secretary of the Interior, et al.; State of Utah, et al., Defendants-Intervenors-Appellees
03-4253	UT	Grant R. Ellsworth, et al. v. William J. Tuttle, et al., Appellants
03-4248	UT	Western Diversified Services, Inc., an Illinois corporation, Appellant v. Hyundai Motor America, Inc., a California corporation
03-3326	KS	Davis L. Shikles, Appellant v. Sprint/United Management Company; Equal Employment Opportunity Commission, et al., Amici Curiae
04-3001	KS	United States of America v. Mark D. Huggins, Appellant (Submitted on the Briefs)

THURSDAY, SEPTEMBER 30, 2004

COURTROOM I

Kelly, Holloway & Lucero

9:00 a.m.

03-9566	EEOC	Board of County Commissioners, County of Fremont, Colorado, Petitioner v. Equal Employment Opportunity Commission
03-4150	UT	Securities and Exchange Commission v. 4NExchange, etc., Defendants; Robert G. Wing, Appellant
03-4097	UT	Sandy Callery, Appellant v. United States Life Insurance Company in the City of New York, et al.; AARP, et al., Amici Curiae
03-3316	KS	Susan Lanmann, Appellant v. Johnson County, Kansas
03-7123	EOK	Fred Lloyd Holder, Appellant v. United States of America
04-4072	UT	United States of America, Appellant v. Jesse James Tibbetts, et al.

THURSDAY, SEPTEMBER 30, 2004

COURTROOM II

McConnell, McKay & Friot

9:00 a.m.

03-3248	KS	Brian Lara, Appellant v. State Farm Fire and Casualty Company
03-3322	KS	Prairie Band Potawatomi Nation v. Joan Wagnon, Secretary of Revenue, etc., et al., Appellants
03-3269	KS	Mark Doke, Appellant v. PPG Industries, Inc. (Submitted on the Briefs)
03-4262	UT	Flying J Inc., etc., et al. v. Comdata Network, Appellant
03-3147)	KS	Khammoung Praseuth v. Rubbermaid, Inc., etc., Appellant
03-3160)		(Cross-appeals)
03-3298)		
03-3299)		
04-3002	KS	United States of America v. Sara D. Dunmire, Appellant

THURSDAY, SEPTEMBER 30, 2004

COURTROOM III

Murphy, Anderson & Hartz

9:00 a.m.

02-6258)	WOK	Nuveem Premium Income Municipal Fund 4 Inc., et al. v. Morgan
02-6278)		Keegan & Company, Inc., Appellant; North American Securities Administrators
02-6374)		Association, et al., Amici Curiae (Cross-appeals)
		(20 minutes per side for oral argument)
03-2214	NM	Mimics, Inc., etc., et al. v. Village of Angel Fire, et al., Defendants; Charles Hasford, Appellant
03-2045)	NM	United States of America for the use and benefit of Cortez III Service
03-2052)		Corporation, etc., Appellant v. PMR Construction Services, etc., et al.; Surety Association of America, Amicus Curiae (Cross-appeals)
03-8085	WY	Gregg C. Hjelle, Appellant v. Mid-State Consultants, Inc., etc.
03-1292	CO	Peggy Sue Saiz, Appellant v. Joe Ortiz, Superintendent of Denver Reception and Diagnostic Center, et al.

THURSDAY, SEPTEMBER 30, 2004

COURTROOM IV

Briscoe, Baldock & Tymkovich

9:00 a.m.

03-6160	WOK	John Duran, Appellant v. John Ashcroft, Attorney General
03-6167	WOK	Comanche Indian Tribe of Oklahoma, Appellant v. 49 LLC, an Oklahoma limited liability company, et al.
03-6350	WOK	Jerome Dolenz, et al. v. United States of America, Appellant
03-6270	WOK	Frederick Gray, Appellant v. Mike Addison, Warden, et al. (Submitted on the Briefs)
03-5188	NOK	United States of America v. Susan Marie Wood, a/k/a Susan Marie Quapaw, etc., Appellant (Submitted on the Briefs)

FRIDAY, OCTOBER 1, 2004

COURTROOM I

Ebel, McWilliams & Henry

8:30 a.m.

03-3289	KS	United States of America, Appellant v. Leon Payne
03-3271	KS	United States of America v. Darren L. Carter, Appellant
03-3293	KS	United States of America v. George Shepard, Appellant
03-3370	KS	United States of America v. Michael Eric Moten, Appellant (Submitted on the Briefs)
03-2299	NM	United States of America, Appellant v. Martin Maese
03-2226	NM	United States of America v. Lorenzo Gonzalez-Coronado, Appellant

FRIDAY, OCTOBER 1, 2004

COURTROOM II

Hartz, Anderson & Tymkovich

8:30 a.m.

03-1345)	CO	United States of America v. Ardeth Platte, Appellant
03-1347)		United States of America v. Jackie Marie Hudson, Appellant
03-1353)		United States of America v. Carol Gilbert, Appellant
04-8009	WY	United States of America v. Brian Thomas Jeffrey a/k/a "Jersey," Appellant
04-4022	UT	United States of America v. Jerome M. Wenger, a/k/a Jerome Maxell Wenger, Appellant
03-8100	WY	United States of America v. Steven James Waite a/k/a Steve Roberts, Appellant
03-8032	WY	United States of America v. Jason Thomas Encinias, a/k/a JT, Appellant
03-8048	WY	United States of America v. Xavier Arriola-Perez, a/k/a X, etc., Appellant

FRIDAY, OCTOBER 1, 2004

COURTROOM III

Seymour, Murphy & McConnell

8:30 a.m.

03-4255	UT	Sam O. Prathan, Appellant v. Autoliv ASP, Inc. (Submitted on the Briefs)
04-8015	WY	United States of America v. Armond Eugene Mozee, Appellant
03-4059) 03-4108)	UT	United States of America v. Hector Cano-Silva, a/k/a Hector Manuel CanoSilva, etc., Appellant (Cross-appeals)
03-4292	UT	United States of America v. Joshua A. Magers, Appellant (Submitted on the Briefs)
03-4161	UT	United States of America v. Joselito Sandoval a/k/a Joselito Mendez-Sandoval, Appellant
04-4048	UT	United States of America, Appellant v. Kenneth Charles Rogers