

## **NOVEMBER 2006 SESSION\***

### **DENVER, COLORADO**

**MONDAY, NOVEMBER 13, 2006**

### **COURTROOM I**

#### **Tacha, Tymkovich & Gorsuch**

**1:00 p.m.**

- 06-9514) NLRB National Labor Relations Board, Petitioner v. King Soopers, Inc.  
06-9518) NLRB National Labor Relations Board, Petitioner v. King Soopers, Inc.
- 05-6276 WOK Donna J. Hollingshead, Appellant v. Blue Cross, Blue Shield of Oklahoma, etc.
- 06-2054 NM Barbara Perea Casey, et al. v. West Las Vegas Independent School District, et al., Appellants
- 05-2351 NM Susan Bain, etc., et al., Appellants v. Philco Construction, Inc.
- 05-2336 NM Pimentel & Sons Guitar Makers, Inc., etc. v. Danette I. L. Hinkle Pimentel, etc., et al., Appellants  
**(Submitted on the Briefs)**

---

\* Visiting Judges during the November, 2006 Session sitting by designation include the Honorable John L. Kane, U.S. District Court Judge, District of Colorado and the Honorable Julie A. Robinson, U.S. District Court Judge, District of Kansas.

**MONDAY, NOVEMBER 13, 2006**

**COURTROOM II**

**Kelly, Briscoe & Robinson**

**1:00 p.m.**

06-7001 EOK Robert Showler, et al., Appellants v. Harper's Magazine Foundation, et al.;  
Denver Post Corporation, et al., Amici Curiae

**Henry, Briscoe & Robinson**

05-5116 NOK Gabrielle Smith, etc., Appellant v. Tulsa County District Attorney

06-5043 NOK Sherry Hamby, Appellant v. Associated Centers of Therapy, etc., et al.

04-5182) NOK Burlington Northern and Santa Fe Railway Company, Appellant v. SPIN-  
05-5137) GALV, et al.; State of Oklahoma, et al., Amici Curiae (**Cross-Appeals**)  
04-5190) (**20 minutes per side**)

06-6085) WOK Richard Giannetti, etc., Appellant v. City of Stillwater, etc. et al.  
06-6094) (**Cross-Appeals**)

**MONDAY, NOVEMBER 13, 2006**

**COURTROOM III**

**Lucero, McConnell & Holmes**

**1:00 p.m.**

05-9606	INS	Alassane Sarr, Petitioner v. Alberto R. Gonzales, etc.
05-3266) 05-3284)	KS	Katie Lane, et al., Appellants v. Todd F. Simon, et al.; Student Press Law Center, et al., Amici Curiae ( <b>Cross-Appeals</b> )
06-3062	KS	Eunice Campbell, Appellant v. Gambro Healthcare, Inc.
05-3463	KS	Bank of Nova Scotia, et al., Appellants v. Suitt Construction Company, Inc., et al.
05-8038) 05-8082)	WY	North American Specialty Insurance Company, etc., Appellant v. Correctional Medical Services, Inc., etc., et al.

**MONDAY, NOVEMBER 13, 2006**

**COURTROOM IV**

**Hartz, Ebel & O'Brien**

**1:00 p.m.**

05-3223	KS	Hutton Contracting Company, Inc., Appellant v. City of Coffeyville
05-7055	EOK	Paul Roesler, et al., v. TIG Insurance Company, Appellant
06-6025	WOK	Valley View Angus Ranch, Inc., etc., et al., Appellants v. Duke Energy Field Services, Inc., a Colorado limited partnership, etc.
05-5064	NOK	Roy C. Johnson, et al., Appellants v. City of Tulsa, Oklahoma, et al.
06-6213) 06-6216)	WOK	Heather Finstuen, et al. v. Dr. Mike Crutcher, etc., Appellant <b>(Cross-Appeal)</b>

**TUESDAY, NOVEMBER 14, 2006**

**COURTROOM I**

**Kelly, Lucero & Tymkovich**

**9:00 a.m.**

- 05-6273 WOK Darrah R. Walck v. W. A. Drew Edmondson, Attorney General, et al.; Kurt Shirley, Sheriff, etc., Appellant
- 04-6384 WOK United States of America v. Margaret Ann Gordon, Appellant  
**(Submitted on the Briefs)**
- 05-6257 WOK United States of America v. Michael Patrick Brunton, Appellant  
**(Submitted on the Briefs)**
- 05-6386 WOK United States of America v. Cleo Patterson, Appellant
- 05-6282 WOK Kevin Young, Appellant v. Marty Sirmons, Warden, etc.  
**(Death Penalty Appeal)**

**En banc**

**2:00 p.m.**

- 04-3205 KS Ramon Zamora, Appellant v. Elite Logistics, Inc.; Kansas Hispanic & Latino American Affairs Commission, et al., Amici Curiae

**TUESDAY, NOVEMBER 14, 2006**

**COURTROOM II**

**Tacha, Seymour & Robinson**

**9:00 a.m.**

05-5223 NOK United States of America v. Jeff Alan Wilson, Appellant

05-5229 NOK United States of America v. Demario Terrel Harris, Appellant

06-5056 NOK United States of America v. Vauda Virgie Shipp, Jr., Appellant

06-6009 WOK United States of America v. Todd A. Willis, Appellant

05-6399 WOK United States of America v. Andy Nelson King, Appellant  
**(Submitted on the Briefs)**

05-1518 CO United States of America v. Jimmy Wayne Mahan, Jr., Appellant

**TUESDAY, NOVEMBER 14, 2006**

**COURTROOM III**

**Murphy, McKay & Gorsuch**

**9:00 a.m.**

05-3488	KS	United States of America v. Mardell Trotter, a/k/a Juice, etc., Appellant
05-3487	KS	United States of America v. Maurice Trotter, a/k/a Mo, Appellant
06-3094	KS	United States of America v. Ray Andrus, Appellant
06-3145	KS	United States of America v. Aaron Shaffer, Appellant
05-3356	KS	United States of America v. Ruben Urias-Bojorquez, Appellant <b>(Submitted on the Briefs)</b>

**TUESDAY, NOVEMBER 14, 2006**

**COURTROOM IV**

**Henry, Holloway & McConnell**

**9:00 a.m.**

05-3400	KS	United States of America v. Jason Brown, a/k/a Hector Burgos, Appellant
05-3437	KS	United States of America v. Deandre A. Freeman, Appellant
05-4255	UT	United States of America v. Adrian T. Stewart, Appellant
05-4314	UT	United States of America v. Larry Joseph Lettig, etc., Appellant <b>(Submitted on the Briefs)</b>
06-4060	UT	United States of America v. Stephen Murphy, Appellant

**WEDNESDAY, NOVEMBER 15, 2006**

**COURTROOM I**

**O'Brien, McConnell & Holmes**

**9:00 a.m.**

05-1553 CO Virgil Stickley, Appellant v. State Farm Mutual Automobile Insurance Company

**Hartz, O'Brien & McConnell**

05-2175 NM Paul Butt, Jr., Appellant v. Bank of America, N.A.

05-1206 CO Klesch & Company Limited, Appellant v. Liberty Media Corporation, et al.

05-1225 CO Robert Harris v. Joe Morales, etc., Defendants; Monte Gore, etc., Appellant  
**(Submitted on the Briefs)**

06-3123 KS United States of America v. Tanzitaro Guerrero, Appellant

06-3131 KS United States of America v. Alfredo Torres, Appellant

WEDNESDAY, NOVEMBER 15, 2006

COURTROOM II

**Kelly, McKay & Briscoe**

**9:00 a.m.**

05-3200 KS Advantage Homebuilding, LLC, Appellant v. Maryland Casualty Company

05-6353 WOK Deanna West, Appellant v. Kelly Keef, et al.

05-4302 UT Terrence D. Holdeman, Appellant v. Michael W. Devine, et al.; Amercian Association of Retired Persons, Amicus Curiae

05-8089 WY In re Tommy Dean Johnson, et al., Debtors; Tommy Dean Johnson, et al. v.  
BAP Keith Smith, individually and as Vice President of M & M Auto Outlet, etc., et al., Appellants **(Submitted on the Briefs)**

05-1441) CO Consumer Crusade, Inc., etc., Appellant v. Sunbelt Communications and  
05-1447) Marketing, LLC., etc., et al.  
05-1465) US Fax Law Center, Inc., etc., Appellant v. IHire, Inc., etc., et al.  
05-1523) **(20 minutes per side)**  
05-1521)  
05-1325)

WEDNESDAY, NOVEMBER 15, 2006

COURTROOM III

**Tacha, Ebel & Kane**

**9:00 a.m.**

05-3337    KS       James B. McCoy, et al., Appellants v. Whirlpool Corporation

06-5015    NOK      B. Willis, C.P.A., Inc., etc., Appellant v. BNSF Railway Corporation, et al.

06-3057    KS       Unified School District No. 259, Sedgwick County, State of Kansas, Appellant v. Disability Rights Center of Kansas (DRC); Kansas Association of School Boards, et al., Amici Curiae

05-3478    KS       Barry B. Adamson, et al., Appellants v. Multi Community Diversified Services, Inc., et al.

05-4162)    UT       Summum, etc., Appellant v. Duchesne City, etc., et al.  
05-4168)        (**Cross-appeals**)  
05-4272)  
05-4282)  
06-4057)

**WEDNESDAY, NOVEMBER 15, 2006**

**COURTROOM IV**

**Henry, McWilliams & Tymkovich**

**9:00 a.m.**

06-4055	UT	Bennett S. Godwin, Appellant v. Southwest Research Institute (Submitted on the Briefs)
05-4244	UT	In re Jason Derek Troff, Debtor; Jason Derek Troff, Appellant v. State of Utah, et al.
05-2247	NM	Rodney Miller, Appellant v. Monumental Life Insurance Company, et al.
06-4013	UT	Luz M. Cruces, etc., Appellant v. Utah State Veterans Nursing Home
05-4294	UT	Clearone Communications, a Utah corporation, et al., Appellants v. National Union Fire Insurance Company of Pittsburgh, PA, etc.
06-4029	UT BAP	In re Richard A. Ford, et al., Debtors; Richard A. Ford, et al. v. Duane H. Gillman, Trustee, Appellant

**THURSDAY, NOVEMBER 16, 2006**

**COURTROOM I**

**Briscoe, Holloway & Lucero**

**9:00 a.m.**

- 05-1284) CO Pamela A. Ray v. UNUM Life Insurance Company of America, a Maine  
05-1420) corporation, Appellant
- 05-1509 CO Kim Hackwell, et al., Appellants v. United States of America, et al.
- 05-1158) CO RSACO, LLC, etc., Appellant v. Robert Fuglei; Resource Support Associates,  
05-1160) etc., Defendant-Third-Party-Plaintiff - Appellee, et al., v. Bentley Forbes Group,  
LLC., etc., Third-Party-Defendant-Appellant (**Cross-Appeals**)  
(**Submitted on the Briefs**)
- 06-1014 CO Kim Symes, et al., Appellants v. Stephen R. Harris, et al.
- 05-1295) CO Public Service Company of Colorado, Appellant v. Board of County  
05-1321) Commissioners of San Miguel County, etc., et al. (**Cross-Appeals**)
- 06-1187 CO Public Service Company of Colorado v. Board of County Commissioners of San  
Miguel County, etc., et al.; Willard F. Janke, Intervenor-Appellant

**Murphy, Anderson & O'Brien**

**2:00 p.m.**

- 05-1330 CO United States of America v. Albert Celio, Appellant  
(**Submitted on the Briefs**)

THURSDAY, NOVEMBER 16, 2006

COURTROOM II

**O'Brien, Seymour & Tymkovich**

**9:00 a.m.**

06-5027	NOK	United States of America v. Juan Deshannon Butler, Appellant
05-5186	NOK	United States of America v. Lawrence Samuels, Jr., a/k/a Michael Douglas Lewis, Appellant
05-8111	WY	United States of America v. Gerald A. Brown, etc., Appellant <b>(Submitted on the Briefs)</b>
06-2025	NM	United States of America v. Eric Condrin, Appellant <b>(Submitted on the Briefs)</b>
06-2009	NM	United States of America v. Martha E. Montano, Appellant
05-2386	NM	United States of America v. Edelberto Hernandez-Bautista, Appellant <b>(Submitted on the Briefs)</b>

**THURSDAY, NOVEMBER 16, 2006**

**COURTROOM III**

**Hartz, Anderson & McConnell**

**9:00 a.m.**

05-2349	NM	United States of America v. Hector Manuel Aguayo-Gonzalez, Appellant
06-2126	NM	United States of America v. Mel Lambert Velarde, Appellant
05-2383	NM	United States of America v. Pamela L. Medley, a/k/a Ruth Gibbs, etc., Appellant
05-2287	NM	United States of America v. Sheridan W. Walker, Appellant
05-2389	NM	United States of America v. Abraham Amaya, Appellant
05-2331	NM	United States of America v. Alberto Beto Becerra, Appellant <b>(Submitted on the Briefs)</b>

**THURSDAY, NOVEMBER 16, 2006**

**COURTROOM IV**

**Kelly, Murphy & Holmes**

**9:00 a.m.**

05-7048	EOK	United States of America v. Ismael Morales, Appellant
05-7020	EOK	United States of America v. Katherine Meladie Robertson, Appellant
05-7130	EOK	United States of America v. Melvin Ellis Holly, Appellant
05-5194	NOK	United States of America v. Emile Douglas, Appellant
05-5009	NOK	United States of America v. Luis Manuel Gonzalez, a/k/a Luis Gonzalez, etc., Appellant
06-5036	NOK	United States of America v. Demarco Deon Williams, Appellant

FRIDAY, NOVEMBER 17, 2006

COURTROOM I

**Murphy, Anderson & O'Brien**  
**8:30 a.m.**

05-1329) 06-1105)	CO	United States of America v. Robert Jerome Jones, Appellant
05-1407	CO	United States of America v. Modesto Ivan Fonseca, Appellant
06-1037	CO	United States of America v. Brett Floyd Yeomans, Appellant
06-3048	KS	United States of America v. Steven Joe Gatewood, Appellant <b>(Submitted on the Briefs)</b>

**FRIDAY, NOVEMBER 17, 2006**

**COURTROOM II**

**Kelly, Ebel & Holmes**

**8:30 a.m.**

05-2347	NM	United States of America, Appellant v. Charlie Tom
05-2234	NM	United States of America v. Jesus Macias-Gonzalez, a/k/a Daniel Gonzalez, Appellant
05-2121	NM	United States of America v. Alejandro Espinoza a/k/a Miguel Manzo., etc., Appellant
06-2109	NM	United States of America v. Yaudis Venzant-Diaz, Appellant
06-2056	NM	United States of America v. Gary Raymond Ahidley, Jr., Appellant
05-5210) 06-5050)	NOK	United States of America v. Jimmy Thomas Dowling, III, Appellant

**FRIDAY, NOVEMBER 17, 2006**

**COURTROOM III**

**Lucero, McWilliams & Hartz**

**8:30 a.m.**

04-2323)	NM	United States of America v. Brian Sandoval, Appellant
05-2397)	NM	United States of America v. Brian Sandoval, Appellant <b>(20 minutes per side)</b>
05-2345	NM	United States of America v. David Christopher Williams, Appellant
05-2170	NM	United States of America v. Calvin D. Sinks, Appellant
06-2139	NM	United States of America v. Everett Charles Brakeman, Appellant
06-2111	NM	United States of America, Appellant v. Jorge Madroza-Acosta, et al.

**FRIDAY, NOVEMBER 17, 2006**

**COURTROOM IV**

**Briscoe, McConnell & Gorsuch**

**8:30 a.m.**

06-2108	NM	United States of America v. Gregory Ladue, Appellant
06-2024	NM	United States of America v. Brian Neil Grace, Appellant <b>(Submitted on the Briefs)</b>
06-2012	NM	United States of America v. John E. Saunders, Appellant
05-2302	NM	United States of America v. Jorge Torres-Laranega, Appellant
05-2348	NM	United States of America v. Jose Francisco Diaz, Appellant
05-2271	NM	United States of America v. Martin Mendivil, Appellant <b>(Submitted on the Briefs)</b>