



Public Information Office
United States Courts for the Ninth Circuit
Office of the Circuit Executive · 95 7th Street, San Francisco, CA 94103 · (415) 355-8800 · (415) 355-8901 Fax

NEWS RELEASE

September 5, 2008

Contact: David Madden, (415) 355-8800

Ninth Circuit Plans Special Sitting at University of Idaho College of Law

SAN FRANCISCO – The United States Court of Appeals for the Ninth Circuit will travel to Moscow, Idaho, for a special sitting September 15 at the University of Idaho College of Law. Oral arguments will begin at 9 a.m. in the College of Law Courtroom in the Albert R. Menard Law Building, 6th and Rayburn streets. A photo ID will be required for access into the courtroom.

A three-judge panel consisting of Circuit Judge N. Randy Smith of Pocatello, Idaho, and Senior Circuit Judges J. Clifford Wallace of San Diego and Stephen Trott of Boise will hear appeals of decisions by the U.S. District Court for the District of Idaho. The cases on the docket are:

- *Millenkamp v. Davisco Foods*, in which Davisco Foods International, Inc., appeals the district court's judgment in favor of Bill and Susie Millenkamp in a diversity action in which the Millenkamps alleged that their calves became sick when they used Davisco's milk permeate product as a feed supplement, and that another defendant, Cargill, prepared the feed formula that incorporated the milk permeate. The district court granted summary judgment in favor of Davisco as to negligence, and the claims for breach of express and implied warranty went to trial. The Millenkamps settled their claims against Cargill and they cross-appeal. Cases 07-35299, 07-35318.
- *Mueller v. Rogers*, in which police detective Dale Rogers appeals the district court's denial of a motion to reconsider a previous ruling denying him qualified immunity in an action brought by Eric and Corissa Mueller. Mr. Rogers declared the Muellers' infant, Taige Mueller, in imminent danger and removed her from the Muellers' custody so that doctors could perform a spinal tap on the infant for suspected meningitis. Case 07-35554.
- *Eggleston v. Klemp*, in which Drs. Richard and Mark Eggleston and Eye Care Specialists, P.S., appeal the district court's judgment in their defamation action against Daniel Klemp, O.D., and others. Case 07-35654.

–more–

- *Amalgamated Sugar Co. v. Johanns*, in which the Amalgamated Sugar Company, LLC, appeals the district court’s summary judgment in favor of American Crystal Sugar Company and U.S. Department of Agriculture Secretary Mike Johanns. Amalgamated filed suit under the Agricultural Adjustment Act of 1938, which provides a system to stabilize sugar prices by determining the total amount of domestically-produced sugar that can be marketed in the U.S. and making allotments to processors. Pacific Northwest Sugar Company initially received a permanent allocation of 2.692 percent, which was subsequently transferred to American Crystal. Amalgamated alleges that the USDA should have redistributed Pacific’s allocation to all sugar processors. Amalgamated first brought the action pursuant to the Administrative Procedures Act, and the district court upheld a ruling by the USDA’s judicial officer. Case 07-35971.

The Ninth Circuit Court of Appeals hears appeals of cases decided by federal agencies and federal trial courts in nine western states and two Pacific Island jurisdictions. The court regularly hears cases in San Francisco, Pasadena, Portland and Seattle, and also travels periodically to other cities within the circuit to hold court. A complete schedule of cases is available online at <http://www.ca9.uscourts.gov>.

#