



Public Information Office
United States Courts for the Ninth Circuit

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NEWS RELEASE

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Special Sitting Brings Ninth Circuit's New Chief Judge Home to Montana

SAN FRANCISCO – The United States Court of Appeals for the Ninth Circuit will hold a special sitting January 22, 2015, at the new James F. Battin Federal Courthouse in Billings, Montana. Oral arguments will begin at 10 a.m. in the Bighorn Courtroom located on the fifth floor of the courthouse at 2601 2nd Avenue North. A photo ID will be required to enter the courtroom.

Ninth Circuit Chief Judge Sidney R. Thomas, who has his chambers in Billings, will preside over the proceeding. Also sitting on the appellate panel will be Circuit Judge Morgan Christen of Anchorage, Alaska, and Senior Circuit Judge Michael Daly Hawkins of Phoenix, Arizona. The docket consists of appeals of three decisions by the U.S. District Court for the District of Montana:

- *USA v. Isaac Kimber*, in which Isaac Kimber appeals the denial of his motion challenging his conviction of conspiracy to possess with intent to distribute methamphetamine and possession of a firearm in furtherance of a drug trafficking crime. Case 13-35431
- *Kimberly Asper v. Costco Wholesale*, in which Kimberly Asper appeals the district court's dismissal for failure to state a claim in her diversity wrongful discharge action against Costco Wholesale Corporation, arising from her termination by Costco. Case 13-35695
- *Wilderness Watch v. Julie King*, in which Wilderness Watch and Friends of the Clearwater appeal the district court's summary judgment in favor of the United States Forest Service and federal officials in an action seeking to prevent the use of a helicopter for a dam project. Case 13-35610

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In conjunction with the court's visit, the Montana bar plans a number of activities. Prior to oral arguments, a presentation related to issues involved in the cases will be made to the courtroom audience, beginning at 9:30 a.m. After the proceeding, the judges will participate in a question-and-answer session. The pre- and post-argument sessions along with a separate afternoon program are being organized by the State Bar of Montana Federal Practice Section and will constitute continuing legal education credits for participating attorneys.

The State Bar of Montana, its Federal Practice Section and the Yellowstone Area Bar Association also will host a reception from 4 to 6 p.m. at the Petroleum Club in Billings.

Judge Thomas, 61, became chief judge of the Ninth Circuit on December, 1, 2014, succeeding former Chief Judge Alex Kozinski of Pasadena, California, who had held the office since 2007. As chief judge, Judge Thomas presides when an 11-judge en banc court is convened to resolve cases posing intra-circuit legal conflicts or to consider other matters deemed to be of exceptional importance. He also chairs two Ninth Circuit policy-making bodies and represents the Ninth Circuit at biannual meetings of the Judicial Conference of the United States, the judiciary's national governing body.

Nominated by President Clinton, Judge Thomas was confirmed by the Senate on January 2, 1996, and received his commission two days later. He maintains chambers in Billings but travels extensively for oral arguments and other court business. A native of Bozeman, Montana, Judge Thomas received his B.A. from Montana State University in 1975 and his J.D. from the University of Montana School of Law, graduating with honors in 1978. Prior to coming onto the federal bench, he had been in private practice in Billings from 1978 to 1995. He also was as an adjunct instructor of law at Rocky Mountain College in Billings from 1982 to 1995.

The Ninth Circuit Court of Appeals hears appeals of cases decided by executive branch agencies and federal trial courts in nine western states, the U.S. Territory of Guam and the Commonwealth of the Northern Mariana Islands. The court normally meets monthly in Seattle, San Francisco and Pasadena, California; every other month in Portland, Oregon; three times per year in Honolulu, Hawaii; and twice a year in Anchorage, Alaska. A complete schedule of cases is available online at <http://www.ca9.uscourts.gov>.

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