



Case Law Index Updates – December 2010

Rusty W. Rumley

Staff Attorney

and

Benjamin Thomas

Graduate Assistant

Administrative Law

Sixth Circuit

Stewart v. Fed. Crop. Ins. Corp., No. 4:09-cv-101, 2010 WL 3341863 (E.D. Tenn. Aug. 25, 2010) (review of appeals under the Administrative Procedure Act)

Ninth Circuit

Schroeder v. U.S., No. CV 08-1277 AC, 2010 WL 3222106 (D. Or. Aug. 13, 2010) (attorney's fees pursuant to Equal Access to Justice Act)

Citizens for Better Forestry v. U.S. Dep't of Agric., No. 08-01927, 2010 WL 3222183 (N.D. Cal. Aug 13, 2010) (action for attorney's fees)

Tenth Circuit

Wyatt Estate ex rel. Vaughn v. Vilsack, No. 09-1140-JTM, 2010 WL 2985981 (D. Kan. Jul 27, 2010) (denial of extension of CRP contracts)

D.C. Circuit

Strunk v. U.S. Dep't of Interior, No. 10-0066(RJL), 2010 WL 4780845 (D. D.C. Nov. 24, 2010) (FOIA action seeking information on farmers against National Agricultural Statistics Service)

Agricultural Leases

Eight Circuit

Hargraves v. David H. Arrington Oil and Gas, No. 2-09-CV-0-0128, 2010 WL 3169607 (E.D. Ark. Aug. 11, 2010) (dispute regarding terms of oil and gas lease on farmland)

Ninth Circuit

W. Watersheds Project v. Kraayenbrink, 620 F.3d 1187 (9th Cir. 2010) (challenge to changes in nationwide grazing regulations on federal lands)

W. Watersheds Project v. U.S. Dep't of Interior, No. 08-0506-E-BLW, 2010 WL 2898974 (D. Idaho July 20, 2010) (grazing damage on land held under grazing permit)

Tenth Circuit

McKeen v. U.S. Forest Serv., 615 F.3d 1244 (10th Cir. 2010) (grazing permits on federal land)

Federal Circuit

O-Bryan v. United States, 93 Fed. Cl. 57 (Fed. Cl. 2010) (grazing permits on Indian reservation)

Nebraska

Wilson v. Fieldgrove, 787 N.W.2d 707 (Neb. 2010) (procedure of terminating year-to-year farm lease after death of tenant)

Agritourism

Tenth Circuit

Sherer v. U.S. Forest Serv., No. 09-cv-00917-MEH-KMT, 2010 WL 2943275 (D. Colo July 22, 2010) (fees for use of federal recreational forestland)

California

Pendergrass v. Diamond Bar & Circle K Horse Rentals, No. B219081, 2010 WL 3387541 (Cal. Ct. App. Aug. 30, 2010) (assumption of risk bars claim against stable by customer who was thrown from horse)

Connecticut

Reilly v. Leasure, No. FSTCV085009675S, 2010 WL 4611891 (Conn. Oct. 22, 2010) (negligence action after horse kick)

Louisiana

Reid v. Sweetwater Campground, Ranch & Stables, No. 2010 CA 0502, 2010 WL 4273092 (La. Ct. App. Oct. 29, 2010) (tort immunity as a “farm animal activity sponsor”)

Everett v. State Farm & Cas. Ins. Co., 37 So.3d 456 (La. Ct. App. 2010) (injury sustained while riding horse by agritourist)

Massachusetts

Wright v. Patriakeas, No. 298839, 2010 WL 3385565 (Mass. Land. Ct. Aug. 27, 2010) (pony-riding business was considered agricultural use and was thus exempted from obtaining special permit)

New Jersey

Hubner v. Spring Valley Equestrian Ctr., 1 A.3d 618 (N.J. 2010) (injuries sustained by customer of equestrian facility were cause by inherent risk)

Alternative Dispute Resolution

Colorado

E-21 Engineering v. Steve Stock & Assocs., No. 09CA1840, 2010 WL 3035168 (Colo. Ct. App. Aug. 5, 2010) (agreement regarding seed storage facility construction project)

Ohio

Town & Country Co-op Inc. v. Sabol Farms, No. 09CA0072, 2010 WL 4272766 (Ohio Ct. App. Nov. 1, 2010) (waiver of right to arbitration)

Nebraska

Kremer v. Rural Cmty. Ins. Co., 788 N.W.2d 538 (Neb. 2010) (order to compel arbitration in crop insurance claim affirmed)

Animal Welfare

First Circuit

Pina v. Morris, No. 09-11800-RWZ, 2010 WL 3395302 (D. Mass Aug. 26, 2010) (45 counts of animal cruelty for raising malnourished horses)

DC Circuit

Showing Animals Respect and Kindness v. U.S. Dep’t of Interior, No. 09-877, 2010 WL 3191801 (D. D.C. Aug. 12, 2010) (prosecution of man who shot tame bear for recreational purposes)

Animal Feeding Operations

Eighth Circuit

Elliott v. Lake County, No. CIV 10-04001-RAL, 2010 WL 4553548 (D. S.D. Nov. 3, 2010) (zoning restrictions on feeding operations)

Missouri

State ex rel. Missouri Parks Ass'n v. Missouri Dep’t of Nat. Res., 316 S.W.3D 275 (Mo. Ct. App. 2010) (effort to revoke concentrated animal feed operations construction permit due to impacts on village)

Aquaculture

Fourth Circuit

Hedrick v. So. States Co-op. Inc., No. 4:10-CV-12-JG, 2010 WL 3834631 (E.D. N.C. Sept. 30, 2010) (failure of tilapia fishery to provide adequate compensation to aquaculture specialist)

Ninth Circuit

Humane Soc’y of U.S. v. Locke, No. 08-36038, 2010 WL 4723195 (9th Cir. Nov. 23, 2010) (protected killing of sea lions that threaten salmon stocks)

Eleventh Circuit

Native Village of Point Hope v. Salazar, No. 1:08-cv-0004-RRB, 2010 WL 2943120 (D. Ala. July 21, 2010) (challenge of decision to offer public lands for oil and gas leasing)

DC Circuit

Gulf Restoration Network v. Nat'l Marine Fisheries Service, Nos. 09-1883 (GK), 09-1884 (GK), 2010 WL 3184327 (D. D.C. Aug. 12, 2010) (plan for Regulating Offshore Marine Aquaculture in Gulf of Mexico)

Court of International Trade

Hiep Thanh Seafood Joint Stock Co. v. United States, No. 09-00270, 2010 WL 4371437 (CIT Nov. 5, 2010) (importation of Vietnamese carp)

Bankruptcy

First Circuit

In re Montagne, 431 B.R. 94 (Bankr. D. Vt. 2010) (claim by agricultural supplier to recover feed and other supplies provided on credit)

Second Circuit

In re Cady, No. 10-30737, 2010 WL 4723555 (Bankr. N.D. N.Y. Nov. 22, 2010) (stay of sale of farmland used for the support of the debtor)

Fifth Circuit

Terra Partners v. Rabo Agrifinance, No. 2:09-CV-194-J, 2010 WL 3270225 (N.D. Tex Aug. 18, 2010) (claim of conversion of farm equipment during bankruptcy)

Sixth Circuit

In re Pertuset, No. 10-8024, 2010 WL 3422455 (6th Cir. B.A.P. Aug. 24, 2010) (failure to properly file as family farmer under Chapter 12)

Seventh Circuit

In re Evenson, No. 05-37920-svk, 2010 WL 4622188 (Bankr. E.D. Wis. Nov. 3, 2010) (abandonment of farmland during bankruptcy proceeding)

In re Snyder, 436 B.R. 81 (Bankr. C.D. Ill. 2010) (assignee of senior lienholder with respect to crop proceeds held by Chapter 12 trustee seeks payment of proceeds)

Eighth Circuit

In re Burival, 613 F.3d 810 (8th Cir. 2010) (debtor-farmer must perform rent obligation under crop lease whether or not the estate is preserved in the bankruptcy case)

In re Grimlie, No. 10-6029, 2010 WL 4595496 (8th Cir. B.A.P. Nov. 15, 2010) (exemptions for homestead and farming equipment)

In re Bryant, No. 4:07-bk-15787 E, 2010 WL 4282189 (Bankr. E.D. Ark. Oct. 8, 2010) (fairness or reorganization plan involving farmland)

In re Robinson, No. 2:05-BK-13915 M, 2010 WL 3168267 (E.D. Ark. Aug. 6, 2010) (claim involving discharge of easement debt during bankruptcy)

Ninth Circuit

United States v. Hall, 617 F.3d 1161 (9th Cir. 2010) (treatment during bankruptcy of tax on gain from sale of farm land)

In re Hale, 436 B.R. 125 (Bankr. E.D. Cal. 2010) (farmer-lender's acquisition of pre-petition loans secured by debtor's property was not a “disbursement”)

In re Nichols, No. 09-62530, 2010 WL 3491162 (Bankr. N.D. N.Y Aug. 31, 2010) (effort to reclassify Chapter 12 bankruptcy as Chapter 7)

Tenth Circuit

In re Benefield, No. 11-10-11077 SA, 2010 WL 3304282 (Bankr. D. N.M. Aug. 20, 2010) (impact of successive Chapter 12 filings by operators of ranching operation)

Eleventh Circuit

Farm Credit of N.W. Florida v. Pittman, No. 1:10-cv-352-MEF, 2010 WL 3430533 (M.D. Ala. Aug. 30, 2010) (action by Farm Credit to recover money owed under promissory note by debtor)

Biosecurity

Second Circuit

Natural Res. Defense Council v. U.S. Dep't of Agric., 613 F.3d 76 (2nd Cir. 2010) (dismissal of allegation that USDA regulation of pest-ridden packing material burdened international trade)

Fourth Circuit

In re Peanut Corp. of Am., No. 6:10-cv-00027, 2010 WL 3463214 (W.D. Va. Sept. 1, 2010) (disbursement of claims following wide-spread salmonella poisoning)

Eighth Circuit

Farm-To-Consumer Legal Defense Fund v. Sebelius, No. C 10-4018-MWB, 2010 WL 3304204 (N.D. Iowa Aug. 18, 2010) (challenge to FDA regulations of milk sold in interstate commerce)

Ninth Circuit

Paramount Farms, Inc. v. Vintalex B.V., No. CV F 09-1027 LJO SKO, 2010 WL 3341894 (E.D. Cal. Aug. 23, 2010) (pasteurization of almonds)

Federal Circuit

Intervet Inc. v. Merial Ltd., 617 F.3d 1282 (Fed. Cir. 2010) (intellectual property dispute regarding pig vaccine)

Michigan

Dep't of Envtl. Quality v. Twp. of Worth, No. 289724, 2010 WL 3238905 (Mich. Ct. App. Aug. 17, 2010) (state is not required to build sanitary sewer system after failure)

Biotechnology

Fourth Circuit

The N.C. Farmwas' Assistance Fund v. Monsanto Co., --- F.Supp.2d ---, 2010 WL 3817349 (M.D. N.C. Sept. 27, 2010) (false marking of genetically modified soybean seeds)

Seventh Circuit

Agrigenetics, Inc. v. Pioneer Hi-Bred Intern., No. 1:08-cv-802-TWP-TAB (S.D. Ind. Nov. 10, 2010) (action against seed company for selling genetically modified seed with improper labeling of bags)

Eight Circuit

Monsanto Co. v. Boggs Farm Centers, No. 4:10CV286 HEA, 2010 WL 4792103 (E.D. Mo. Nov. 18, 2010) (civil action for sales of patented seed without authorization)

In re Genetically Modified Rice Litig., Nos. 4:06-MD-1811 CDP, 2010 WL 4643265 (E.D. Mo. Nov. 9, 2010) (ruling on motions for judgment as a matter of law and for a new trial)

In re Genetically Modified Rice Litig., Nos. 4:06-MD-1811 CDP, 2010 WL 3938376 (E.D. Mo. Oct. 5, 2010) (GM rice litigation; expert testimony)

In re Genetically Modified Rice Litig., No. 4:06MD1811 CDP, 2010 WL 3927497 (E.D. Mo. Oct. 4, 2010) (expert testimony)

Nebraska

Kremer v. Rural Comty. Ins. Co., 788 N.W.2d 538 (Neb. 2010) (Federal Crop Insurance Corporation's regulations requiring arbitration preempted state prohibition of arbitration)

North Dakota

Ctr. for Food Safety v. Vilsack, No. C 08-00484, 2010 WL 3222482 (N.D. Cal. Aug. 13, 2010) (decision to deregulate genetically engineered sugar beets)

Business Organizations

Fifth Circuit

Livermore v. Engles, No. 3-10-CV-0882-BD, 2010 WL 3583999 (N.D. Tex. Sept. 13, 2010) (derivative action for conspiracy to manipulate milk prices)

Ninth Circuit

Agricola ABC, S.A. De C.V. v. Chiquita Fresh North America, No. 10cv772-IEG (NLS), 2010 WL 29855500 (S.D. Cal. July 28, 2010) (dispute involving debt-settling agreement)

Rodriguez v. SGLC, No. 2:08-cv-01971-MCE-KJN, 2010 WL 2943128 (E.D. Cal. July 23, 2010) (fraud and unfair competition claim)

Court of International Trade

United States v. Wilfran Agri. Industries, No. 07-00231, 2010 WL 3199833 (C.I.T. Aug. 11, 2010) (refusal of service of process)

California

Nunes v. Cent. Valley Dairymen, No. F056381, 2010 WL 4362850 (Cal. Ct. App. Nov. 4, 2010) (misappropriation of funds and business opportunity)

Missouri

Marshall v. Marshall Farms, No. SD 30440, 2010 WL 4630226 (Mo. Ct. App. Nov. 10, 2010) (partnership distributions sent to state pursuant to garnishment order)

Clean Water Act

Second Circuit

Humane Soc’y of U.S. v. HVFG, No. 06 CV 6829(HB), 2010 WL 3322512 (S.D. N.Y. 2010) (violations for discharges by foie gras manufacturer)

Ninth Circuit

Northwest Env’tl. Defense Ctr. v. Brown, 617 F.3d 1176 (9th Cir. 2010) (discharge of stormwater from ditches without permits)

Eleventh Circuit

New Hope Power Co. v. U.S. Army Corps of Eng’rs, No. 10-22777-CIV, 2010 WL 3834991 (S.D. Fla. Sept. 29, 2010) (Corps violated APA by adopting rules related to prior converted croplands without public notice period)

DC Circuit

Nat’l Ass’n of Home Builders v. U.S. Army Corps of Eng’r, 699 F.Supp.2d 209 (D. D.C. 2010) (challenge of permit issued under CWA based upon interpretation of “navigable waters”)

North Dakota

New Manchester Resort & Gold v. Douglasville Dev., No. 1:09-CV-504-TWT, 2010 WL 3271509 (N.D. Ga. Aug. 16, 2010) (CWA action for storm-water discharges and placement of fill material)

Climate Change

Ninth Circuit

Alliance for Wild Rockies v. Lyder, No. CV 09-73-M-DWM, 2010 WL 3023652 (D. Mont. July 28, 2010) (identifying critical habitats for Canada lynx)

Commercial Law

First Circuit

In re Montagne, 431 B.R. 94 (Bankr. D. Vt. May 24, 2010) (adversary proceeding to recover feed and other products supplied on credit)

Fourth Circuit

The N.C. Farmers' Assistance Fund v. Monsanto Co., No. 1:08cv409, 2010 WL 3817349 (M.D. N.C. Sept. 27, 2010) (qui tam action alleging false marketing as to genetically modified soybean seeds)

Sixth Circuit

Younglove Const. v. PSD Dev., No. 3:08CV1447, 2010 WL 4568716 (N.D. Ohio Nov. 3, 2010) (breach of contract)

Seventh Circuit

AgriGenetics v. Pioneer Hi-Bred Intern., No. 1:08-cv-802-TWP-TAB, 2010 WL 4683936 (S.D. Ind. Nov. 10, 2010) (breach of contract regarding type of bags used for seed transportation)

Caudill See & Warehouse Co. v. Rose Seeding & Sodding, No. 4:09-cv-101-WGH-RLY, 2010 WL 3944722 (S.D. Ind. Oct. 6, 2010) (breach of contract involving sale and storage of seed)

In re Snyder, 436 B.R. 81 (Bankr. C.D. Ill. 2010) (assignee of senior lienholder with respect to crop proceeds held by Chapter 12 trustee seeks payment of proceeds)

Eighth Circuit

Nationwide Agribusiness v. Structural Restoration, 705 F.Supp.2d 1070 (S.D. Iowa 2010) (liability of inspector following collapse of grain silo)

In re Double G Trucking of the Arklatex, 432 B.R. 789 (Bankr. W.D. Ark. 2010) (lessor of tractors seeks to require farmer-debtor of assume lease during bankruptcy)

Nicollet Cattle Co. v. United Food Group, No. 08-5899 (JRT/FLN), 2010 WL 3546784 (D. Minn. Sept. 7, 2010) (wrongful cancellation of 148 contracts to sell beef and lamb products)

LOL Finance Co. v. Johnson, No. 4:09CV3224, 2010 WL 3419606 (D. Neb. Aug. 26, 2010) (breach of contract)

Tenth Circuit

United States v. Bowling, 619 F.3d 1175 (10th Cir. 2010) (bank fraud in connection with cattle operation)

Indiana

Deere & Co. v. New Holland Rochester, 935 N.E.2d 267 (Ind. Ct. App. 2010) (replevin action by seller of farm equipment after default by buyer)

Louisiana

Price Farms v. McCurdy, 42 So.3d 1099 (La. Ct. App. 2010) (breach of contract involving commission on sale of agricultural land)

Minnesota

Glacial Plains Co-op v. Lindgren, No. A10-185, 2010 WL 3307077 (Minn. Ct. App. Aug. 24, 2010) (breach of oral contract to sell grain)

Missouri

Rissler v. Heinzler, 316 S.W.3d 533 (Mo. Ct. App. 2010) (breach of contract for sale of cattle)

Nebraska

Smokey Ridge Feeders v. Magill, No. A-09-1256, 2010 WL 3719910 (Neb. Ct. App. Aug. 31, 2010) (damages for failure to provide good care and husbandry to hogs placed in finishing barns)

New York

Howlett Farms v. Fessner, --- N.Y.S.3d ---, 2010 WL 4703842 (N.Y. App. Div. Nov. 19, 2010) (failure to deliver corn pursuant to futures contract)

Washington

Eastwood v. Horse Harbor Found., No. 81977-7, 2010 WL 4351986 (Wash. Nov. 4, 2010) (action against farm lessee for commission of waste and negligence)

Conservation Programs

Kansas

Steffen v. S & S Oil, 237 P.3d 668 (Kan. Ct. App. 2010) (individual must assume CRP contract after purchasing tract of land)

Cooperatives

Sixth Circuit

In re Southeastern Milk Antitrust Litigation, No. 2:08-MD-1000, 2010 WL 3083806 (E.D. Tenn. Aug. 4, 2010) (Sherman Act antitrust action against milk cooperative)

Eight Circuit

Schwartz v. Bayer CropScience, 718 F.Supp.2d 950 (E.D. Ark. 2010) (action by farmers against farming cooperative regarding genetically modified rice)

Disaster Assistance/Crop Insurance

Sixth Circuit

Cain Field Nursery v. Farmers Crop Ins. Alliance, No. 4:09-cv-78, 2010 WL 3813463 (E.D. Tenn. Sept. 22, 2010) (challenge of denial of insurance claims following hailstorm; disputed coverage)

Stewart v. Fed. Crop. Ins. Corp., No. 4:09-cv-101, 2010 WL 3341863 (E.D. Tenn. Aug. 25, 2010) (improper denial of claims of loss following hailstorm)

Eighth Circuit

United States v. Hawley, 619 F.3d 886 (8th Cir. 2010) (prosecution of insurance agent under False Claims Act for fraudulent scheme to obtain federally reinsured crop insurance payments)

Eleventh Circuit

Great Am. Ins. Co. v. Moye, No. 8:10-CV-00330-EAK-TGW, 2010 WL 3129548 (M.D. Fla. July 29, 2010) (insurer had duty to indemnify for loss of tomato crop)

Nebraska

Kremer v. Rural Cmty. Ins. Co., 788 N.W.2d 538 (Neb. 2010) (order to compel arbitration in crop insurance claim affirmed)

Environmental Law

First Circuit

Ashland Inc. v. GAR Electroforming, No. 08-227ML, 2010 WL 2927374 (D. R.I. July 22, 2010) (groundwater remediation costs at hazardous waste disposal site)

Second Circuit

Metropolitan Taxicab Bd. of Trade v. City of New York, 615 F.3d 152 (2nd Cir. 2010) (preemption of local regulation involving incentives for purchase of hybrid taxicabs)

Third Circuit

United States v. Rohm & Haas Co., No. 09-5528 (FLW), 2010 WL 3811302 (D. N.J. Sept. 22, 2010) (equitable tolling under the Comprehensive Environmental Response, Compensation, and Liability Act)

Fourth Circuit

North Carolina, ex rel. Cooper v. Tennessee Valley Authority, 615 F.2d 291 (4th Cir. 2010) (emissions of coal-fired power plants were not a public nuisance)

PCS Nitrogen v. Ross Dev. Corp., No. 2:09-3171-MBS, 2010 WL 2892619 (D. S.C. Sept. 30, 2010) (liability for clean up costs for soil contamination by phosphate fertilizer plant operator)

Allegheny Energy Supply Co. v. Spitzer, No. 1:05CV04, 2010 WL 3220355 (N.D. W.Va. Aug. 12, 2010) (Clean Air Act)

Assateague Coastkeeper v. Alan and Kristin Hudson Farm, No. WMN-10-cv-0487, 2010 WL 2924661 (D. Md. July 21, 2010) (discharges of poultry manure)

Sixth Circuit

Meister v. U.S. Dep't of Agric., 623 F.3d 363 (6th Cir. 2010) (challenge to revised management plan for national forests by U.S. Forest Service involving snowmobile use and cross-country skiing)

Ninth Circuit

Family Farm Alliance v. Salazar, No. 1:09-CV-01201 OWW, 2010 WL 4323058 (E.D. Cal. Oct. 26, 2010) (farmer action against Fish and Wildlife Service regarding threatened Delta smelt)

W. Watersheds Proj. v. Interior Bd. of Land Appeals, No. 09-35708, 2010 WL 3960577 (9th Cir. Oct. 12, 2010) (group challenging grazing permits issued by Bureau of Land Management not eligible for fees under Equal Access to Justice Act)

Klamath-Siskiyou Wildlands Ctr. v. Grantham, No. 2:10-cv-02350-GEB-CMK, 2010 WL 3958640 (E.D. Cal. Oct. 8, 2010) (challenge to U.S. Forest Service's Panther Fire Salvage and Reforestation Project)

Alliance for Wild Rockies v. Cottrell, 622 F.3d 1045 (9th Cir. 2010) (preliminary injunction against U.S. Forest Service relating to logging project and timber sales granted)

League of Wilderness Defenders Blue Mountains Biodiversity Project v. Allen, 615 F.3d 1122 (9th Cir. 2010) (use of commercial logging to reduce risk from fire and disease)

Ctr. For Food Safety v. Vilsack, No. C 10-04038, 2010 WL 3835699 (N.D. Cal. Sept. 28, 2010) (motions for intervention in sugar beet matter by Monsanto and Betaseed granted in part; attack on plaintiff's standing overruled)

Conservation Congress v. U.S. Forest Serv., No. CIV. S-07-2764 LKK/KJM, 2010 WL 3636142 (E.D. Cal. Sept. 14, 2010) (challenge to Forest Service's vegetation management project dismissed)

W. Watersheds Project v. Kraayenbrink, 620 F.3d 1187 (9th Cir. 2010) (challenge to changes in nationwide grazing regulations on federal lands)

City of Emeryville v. Robinson, 621 F.3d 1251 (9th Cir. 2010) (action by pesticide manufacturer to enforce settlement involving contamination clean-up)

Hapner v. Tidwell, 621 F.3d 1239 (9th Cir. 2010) (challenge to approval of commercial logging of national forest)

Citizens for Better Forestry v. U.S. Dep't of Agric., No. 08-01927, 2010 WL 3222183 (N.D. Cal. Aug. 13, 2010) (alleged violation of Endangered Species Act for promulgations of rules)

N. California River Watch v. Exxon Mobil Corp., No. C 10-0534 PJH, 2010 WL 3184324 (N.D. Cal. Aug. 11, 2010) (Resource Conservation and Recovery Act)

W. Watersheds Project v. Rosenkrance, No. CV 09-365-E-BLW, 2010 WL 3522244 (D. Idaho July 29, 2010) (issuance of grazing permit by BLM was arbitrary and capricious)

Tenth Circuit

United States v. Questar Gas Mgmt., No. 2:09CV167DAK, 2010 WL 3952016 (D. Utah Oct. 8, 2010) (right to intervene in a Clean Air Act action commenced by the United States)

Oklahoma ex rel. Edmondson v. Tyson Foods, 619 F.3d 1223 (10th Cir. 2010) (denial of intervention by Indian tribe into CERCLA action for poultry waste disposal)

Wyoming State Snowmobile Ass'n v. U.S. Fish and Wildlife Serv., No. 09-cv-00095, 2010 WL 3743933 (D. Wyo. Sept. 10, 2010) (challenge to revised designation of critical habitat for Canada lynx)

DC Circuit

Reed v. Salazar, No. 08-2117 (CKK), 09-640 (CKK), 2010 WL 3853218 (D. D.C. Sept. 28, 2010) (order to set aside annual funding agreement for operation of bison range between Fish and Wildlife Service and Indian tribe)

Cloud Found. v. Salazar, No. 1:09-CV-1651, 2010 WL 3338546 (D. D.C. 2010) (challenge to federal removal of wild horses from horse range)

Sierra Club v. Van Antwerp, No. 07-1756(RCL), 2010 WL 3292182 (D. D.C. Aug. 20, 2010) (successful challenge against decision to allow filling of wetlands for shopping mall development)

Nat'l Ass'n of Home Builders v. E.P.A., No. 09-0548, 2010 WL 3245302 (D. D.C. Aug. 18, 2010) (EPA's designation of two Arizona rivers as "traditional navigable waters" under the Clean Water Act)

Cape Hatteras Access Preservation Alliance v. U.S. Dep't of Interior, No. 09-0236, 2010 WL 3238848 (D. D.C. Aug. 17, 2010) (federal government's revised critical habitat designations for piping plover)

Howmet Corp. v. E.P.A., 614 F.3d 544 (D.C. Cir. 2010) (manufacturer violated Resource Conservation and Recovery Act)

California

Sonoma County Water Coalition v. Sonoma County Water Agency, 116 Cal.Rptr.3d 616 (Cal. Ct. App. 2010) (challenge to adequacy of county water agency's urban water management plan rejected)

Ebbetts Pass Forest Watch v. California Dep't of Forestry and Fire Protection, 114 Cal.Rptr.3d 351 (Cal. Ct. App. 2010) (challenge to state approval of timber harvesting plans)

Estate Planning & Taxation

Fourth Circuit

In re Spreadbury, No. 08-14288-SSM, 2010 WL 29988907 (Bankr. E.D. Va. July 27, 2010) (sale of farmland for less than fair market value)

Iowa

Unterberger v. Bresnahan, No. 09-15338, 2010 WL 2925843 (Iowa Ct. App. July 28, 2010) (plaintiff sues to rescind contract for sale of farmland for fraud)

In re Estate of Roethler, 789 N.W.2d 165 (Iowa Ct. App. 2010) (construing clause in will that granted purchasing option)

Minnesota

Estate of Harwick ex re. Harwick v. Harwick, No. A10-76, 2010 WL 3396910 (Minn. Ct. App. Aug. 31, 2010) (dispute over ownership of farmland following death of owner)

Mississippi

Harris v. Waters, 40 So.3d 657 (Miss. Ct. App. July 27, 2010) (challenge to failure to award farm equipment to widow)

Missouri

Seggelke v. Seggelke, 319 S.W.3d 461 (Mo. Ct. App. 2010) (treatment during divorce of proceeds from sale of marital farm and farm equipment)

Nebraska

Wilson v. Fieldgrove, 787 N.W.2d 707 (Neb. 2010) (procedure of terminating year-to-year farm lease after death of tenant)

New York

In re Cady, No. 10-30737, 2010 WL 4723555 (Bankr. N.D. N.Y. Nov. 22, 2010) (right of succession of family farm)

Ohio

Arnott v. Arnott, No. 09CA25, 2010 WL 4376650 (Ohio Ct. App. Nov. 1, 2010) (option price of farm following dissolution of trust)

Strasburg v. Strasburg, No. 2-10-12, 2010 WL 3075773 (Ohio Ct. App. Aug. 9, 2010) (treatment during divorce of farmland inherited during marriage)

South Dakota

Stockwell v. Stockwell, 790 N.W.2d 52 (S.D. 2010) (disputed transfer of land from father to son following father's death)

Peterson v. Feldmann, 784 N.W.2d 493 (S.D. 2010) (beneficiary of living trust involving farmland seeks to invalidate trust agreement for undue influence)

Utah

Rawlings v. Rawlings, 240 P.3d 754 (Utah 2010) (imposition of constructive trust on family farm in favor of siblings of grantees)

Washington

In re Estate of Sherry, 240 P.3d 1182 (Wash. Ct. App. Oct. 19, 2010) (intent of testator regarding succession of farmland)

West Virginia

Rosier v. Rosier, No. 35522, 2010 WL 4781428 (W.Va. Nov. 23, 2010) (disputed ownership of farm after death of testator)

Wisconsin

Godlewski v. Godlewski Living Trust ex rel. Butler, 786 N.W.2d 490 (Wis. Ct. App. 2010) (determining proper jurisdiction for sale of land held by trust)

Finance and Credit

First Circuit

United States v. Colon-Rodriguez, No. 07-0507CCCC, 2010 WL 3810121 (D. Puerto Rico Sept. 27, 2010) (prosecution for false statements made in connection with obtaining FSA emergency loans)

Third Circuit

U.S. v. George, Civ. No. 1:08-cv-00036, 2010 WL 2998886 (D. V.I. July 27, 2010) (partitioning of land during foreclosure)

Fifth Circuit

Panorama Const. v. Farm Credit Serv. of Cent. Kansas, No. 5:09-CV-273-C, 2010 WL 3292674 (N.D. Tex. Aug. 20, 2010) (fraud and tortious interference with foreclosure contract)

U.S. v. Crook, No. 09-000133, 2010 WL 2923196 (W.D. La. July 16, 2010) (sale of farm equipment held by lien for FSA loans)

Eighth Circuit

In re Richmond, 430 B.R. 846 (Bankr. E.D. Ark 2010) (debtor in Chapter 7 proceeding could not be held personally liable for unpaid crop loans)

Tenth Circuit

In re Stuart, No. 09-8022-TRC, 2010 WL 3860734 (Bankr. E.D. Okla. Sept. 24, 2010) (rescinded mortgage involving FSA loan)

Federal Circuit

Stovall v. United States, 94 Fed. Cl. 336 (Fed. Cl. 2010) (action by African-American farmer alleging race discrimination claim against FSA)

Iowa

Klinge v. Luana Savings Bank, No. 09-1856, 2010 WL 4140463 (Iowa Ct. App. Oct. 20, 2010) (breach of contract regarding agricultural loan rate)

Minnesota

Gerlach v. Kurowski, No. A09-1839, 2010 WL 3000177 (Minn. Ct. App. Aug. 3, 2010) (meaning of term “feed bill” in mortgage agreement)

Food Labeling

Second Circuit

Pelman v. McDonald's Corp., No. 02 Civ. 07821(DCP), 2010 WL 4261390 (S.D. N.Y. Oct. 27, 2010) (deceptive marketing claim)

Ackerman v. Coca-Cola Co., No. CV-09-0395, 2010 WL 2925955 (E.D. N.Y. July 21, 2010) (class action regarding vitamin water)

Third Circuit

Pernod Ricard USA LLC v. Bacardi U.S.A., 702 F.Supp.2d 238 (D. Del. April 6, 2010) (misleading statements regarding geographic origin of rum)

Sixth Circuit

Int'l Dairy Foods Ass'n v. Boggs, 622 F.3d 628 (6th Cir. 2010) (state regulation of dairy labeling)

Seventh Circuit

Turek v. General Mills, No. 09 C 7038, 2010 WL 3527553 (N.D. Ill. Sept. 1, 2010) (inclusion of non-natural and non-digestible fiber in labeling and advertising of snacks)

Ninth Circuit

Peviani v. Hostess Brands, No. CV 10-2303 CBM (VBKx), 2010 WL 4553510 (C.D. Cal. Nov. 3, 2010) (false advertising claims regarding 100-calorie dessert packs)

Chacanaca v. Quaker Oats Co., No. C 10-0502 RS, 2010 WL 4055954 (N.D. Cal. Oct. 14, 2010) (deceptive marketing claim involving trans fats)

Red v. The Kroger Co., No. CV 10-01025 DMG (MANx), 2010 WL 4262037 (C.D. Cal. Sept. 2, 2010) (deceptive marketing claim involving trans fats in margarine)

Ries v. Hornell Brewing Co., No. 100-1139, 2010 WL 2943860 (N.D. Cal. July 23, 2010) (class action claiming misleading labeling against producer of product containing HFCS and citric acid)

Yumul v. Smart Balance, No. CV 10-00927 MMM (AJWx), 2010 WL 3359663 (C.D. Cal. May 24, 2010) (misleading claims regarding cholesterol by margarine manufacturer)

POM Wonderful v. Coca Cola Co., No. CV 08-06237, 2010 WL 2836269 (C.D. Cal. May 5, 2010) (advertising and unfair competition laws)

DC Circuit

Silvius v. Ungar's Food Products Inc., No. 10-0639 (JDB), 2010 WL 3324747 (D. D.C. Aug. 24, 2010) (individual seeks damages on behalf of public for mislabeling of potato cakes)

California

Physicians Comm. For Responsible Medicine v. McDonald's, 114 Cal. Rptr.3d 414 (Cal. Ct. App. 2010) (safety and health warnings regarding fast food)

Food Safety

Third Circuit

Corbi v. Harrah's Hotel & Casino, No. 08-5875 (RBK/JS), 2010 WL 4226523 (D. N.J. Oct 21, 2010) (salmonella poisoning from casino)

Fourth Circuit

Griffin v. Wilcohes, No. 0:10-489-JFA, 2010 WL 3803695 (D. S.C. Sept. 23, 2010) (plaintiff did not provide food poisoning was contracted from defendant's preparation practices)

In re Peanut Corp. of Am., No. 6:10-cv-00027, 2010 WL 3463214 (W.D. Va. Sept. 1, 2010) (disbursement of claims following wide-spread salmonella poisoning)

Sixth Circuit

Int'l Dairy Foods Ass'n v. Boggs, 622 F.3d 628 (6th Cir. 2010) (USDA regulation requiring labeling of dairy products with regard to artificial hormones, pesticides, or antibiotics)

Furline v. Michigan Turkey Producers Co-op, No. 1:10-cv-522, 2010 WL 3273126 (W.D. Mich. Aug. 19, 2010) (boy injured by ingesting needle lodged in hotdog)

Eighth Circuit

Farm-To-Consumer Legal Defense Fund v. Sebelius, No. C 10-4018-MWB, 2010 WL 3304204 (N.D. Iowa Aug. 18, 2010) (challenge to FDA regulations of milk sold in interstate commerce)

Ninth Circuit

Paramount Farms v. Ventilex B.V., No. CV F 09-1027 LJO SKO, 2010 WL 3943599 (E.D. Cal. Oct. 4, 2010) (attempts to delay trial regarding almond pasteurization system)

Paramount Farms, Inc. v. Vintalex B.V., No. CV F 09-1027 LJO SKO, 2010 WL 3341894 (E.D. Cal. Aug. 23, 2010) (pasteurization of almonds)

Ctr. for Food Safety v. Vilsack, No. C 08-00484, 2010 WL 3222482 (N.D. Cal. Aug. 13, 2010) (decision to deregulate genetically engineered sugar beets)

Campbell v. Cal. Dep't of Corrections and Rehabilitation, No. CIV S-07-1419 WBS GGH P, 2010 WL 3238911 (E.D. Cal. Aug. 12, 2010) (unsanitary food preparation and handling at state prison)

Yumul v. Smart Balance, No. CV 10-00927 MMM (AJWx), 2010 WL 3359663 (C.D. Cal. May 24, 2010) (misleading claims regarding cholesterol by margarine manufacturer)

DC Circuit

Koretov v. Vilsack, 614 F.3d 532 (D.C. Cir. 2010) (regulation requiring treatment of almonds to prevent salmonella outbreaks)

California

Physicians Comm. For Responsible Medicine v. McDonald's, 114 Cal. Rptr.3d 414 (Cal. Ct. App. 2010) (health warnings)

International Trade

First Circuit

Llubes v. Uncommon Productions, --- F.Supp.2d ---, 2010 WL 3245283 (D. Mass Aug. 16, 2010) (working conditions of Haitian sugarcane laborers)

Tenth Circuit

United States ex rel. Bahrani v. Gonagra, No. 09-1163, 2010 WL 4188251 (10th Cir. Oct. 26, 2010) (False Claims Act claim for alteration of export certificates)

D.C. Circuit

Nat'l Corn Growers Ass'n v. E.P.A., 613 F.3d 266 (C.A. D.C. 2010) (EPA ban of carbofuran on domestic and imported food)

Federal Circuit

Hacker v. United States, 613 F.3d 1380 (Fed. Cir. 2010) (denial of application for trade adjustment assistance cash benefits)

Court of International Trade

GVD Food Co. v. United States, No. 09-00157, 2010 WL 3421963 (Ct. Int'l Trade Sept. 1, 2010) (antidumping order covering fish fillets from Vietnam)

Amanda Foods (Vietnam) Ltd. v. United States, 714 F.Supp.2d. 1282 (Ct. Int'l Trade 2010) (antidumping; shrimp)

Nat. Fisheries Inst. v. U.S. Bureau of Customs and Border Prot., 714 F. Supp.2d 1231 (Ct. Int'l Trade 2010) (bonding requirement on importers of shrimp products)

Labor

Third Circuit

Comite De Apoyo a Los Trabajadores Agricolas v. Solis, No. 09-240, 2010 WL 3431761 (E.D. Pa. Aug. 30, 2010) (impact of H.2B temporary work visas)

Lugo v. Farmer's Pride Inc., No. 07-0749, 2010 WL 33708089 (E.D. Pa. Aug. 25, 2010) (compensation by poultry processor for time spent dressing in sanitary clothing)

Montalvo v. Larchmont Farms, Civil No. 06-2704, 2010 WL 3025045 (D. N.J. July 29, 2010) (action for injury to farm workers from application of pesticides)

Fourth Circuit

Hedrick v. So. States Co-op. Inc., No. 4:10-CV-12-JG, 2010 WL 3834631 (E.D. N.C. Sept. 30, 2010) (failure of tilapia fishery to provide adequate compensation to aquaculture specialist)

Fifth Circuit

Blackshire v. Tyson Foods, No. 2:09-CV-329-TJW, 2010 WL 3257371 (E.D. Tex. Aug. 17, 2010) (malfunction of equipment)

Eighth Circuit

Helmert v. Butterball, No. 4:08CV00342 JLH, 2010 WL 3397373 (E.D. Ark. Aug. 25, 2010) (compensation by poultry processor for time spent dressing in sanitary clothing)

Ninth Circuit

Lopez v. Lassen Dairy, No. CV-F-08-121 LJO GSA, 2010 WL 4705521 (E.D. Cal. Nov. 12, 2010) (unfair wage and labor claims against dairy)

Rodriguez v. ACL Farms, No. CV-10-3010-LRS, 2010 WL 4683743 (E.D. Wash. Nov. 12, 2010) (failing to comply with H-2A guest worker arrangements)

Jimenez v. Servicios Agricolas Mex, No. CV-07-01492-PHX-GMS, 2010 WL 2809834 (D. Ariz. Sept. 20, 2010) (action by migrant workers against employer claiming discrimination based upon alienage or citizenship)

Lopez v. Lassen Dairy, Inc., No. CV-F-08-121, 2010 WL 3210765 (E.D. Cal. Aug. 10, 2010) (unfair wage and labor claims against dairy producer)

Arrendondo v. Delano Farms, No. CV F 09-1247 LJO DLB, 2010 WL 3212000 (E.D. Cal. Aug 10, 2010) (state wage and hour violations)

Eleventh Circuit

Ojeda-Sanchez v. Bland Farms, No. 608CV096, 2010 WL 3282984 (S.D. Ga. Aug. 18, 2010) (claim of inadequate compensation by H-2A guest workers)

DC Circuit

United Farm Workers v. Solis, 697 F.Supp.2d 5 (D. D.C. Mar 22, 2010) (new rules under the Immigration and Nationality Act)

Arkansas

Galloway v. Tyson Foods, No. CA 10-219, 2010 WL 3672764 (Ark. Ct. App. Sept. 22, 2010) (plaintiff failed to show his injuries were sustained through his employment at Tyson Foods)

Kansas

Omar v. Tyson Fresh Meats, 240 P.3d 986 (Kan. Ct. App. 2010) (denial of disability payments following alleged workplace injury)

Louisiana

Hawkins v. Pilgrim's Pride Corp., No. 10-402, 2010 WL 4320409 (La. Ct. App. Nov. 3, 2010) (appeal of denial of worker's compensation claim after work-related illness at chicken farm)

Mississippi

Sanderson Farms v. Johnson, No. 2009-WC-00840-COA, 2010 WL 3860476 (Miss. Ct. App. Oct. 5, 2010) (plaintiff's carpal tunnel syndrome was not developed through her employment cutting chicken windpipes)

Texas

Alaniz v. H and H Farms, No. B-09-113, 2010 WL 4064021 (S.D. Tex. Oct. 14, 2010) (wage and labor dispute by migrant workers)

Landowner Liability

Connecticut

Reilly v. Leasure, No. FSTCV085009675S, 2010 WL 4611891 (Conn. Oct. 22, 2010) (negligence action after horse kick)

Vendrella v. Astrialab Family Ltd. Partnership, No. CV085021342S, 2010 WL 422076 (Conn. Super. Ct. Sept. 16, 2010) (owner of horse liable for injury only if constructive knowledge of vicious propensity is found)

Kansas

Wrinkle v. Norman, No. 103,373, 2010 WL 4539371 (Kan. Ct. App. Nov. 12, 2010) (owner of animals is required to use reasonable care to confine animals)

Louisiana

Schysm v. Boyd, No. 45,336-CA, 2010 WL 3213679 (La. Ct. App. Aug 16, 2010) (motorist strikes horse on road)

South Carolina

Williams v. Smalls, No. 4755, 2010 WL 4183837 (S.C. Ct. App. Oct. 20, 2010) (no strict liability for personal injuries suffered when automobile struck escaped livestock)

Marketing Orders

Sixth Circuit

In re Southeastern Milk Antitrust Litigation, No. 2:08-MD-1000, 2010 WL 3083806 (E.D. Tenn. Aug. 4, 2010) (Sherman Act antitrust action against milk coop)

Eighth Circuit

In re Aurora Dairy Corp. Organic Milk Marketing and Sales Practices Litigation, 621 F.3d 781 (8th Cir. 2010) (federal preemption of state consumer protection law)

DC Circuit

Koretov v. Vilsack, 614 F.3d 532 (D.C. Cir. 2010) (Agriculture Marketing Agreement Act did not preclude almond producers from obtaining judicial review of USDA almond pasteurization rule)

Nutrition Programs

Sixth Circuit

Alkabsh v. United States, No. 10-02503, 2010 WL 3314160 (W.D. Tenn. Aug. 24, 2010) (challenge to USDA decision to disqualify store from SNAP program)

Kentucky

Korner v. Com., Cabinet for Health and Family Services, No. 2009-CA-002043-MR, 2010 WL 3810839 (Ky. Ct. App. Oct. 1, 2010) (disqualification of grocery store from state food programs)

New Jersey

Grocery v. New Jersey Dep't of Health and Senior Serv., No. 09-45, 2010 WL 4740012 (N.J. Super. Ct. Nov. 24, 2010) (appeal of denial for participation in WIC)

Ohio

State v. Moujib, No. 09CA009642, 2010 WL 307615 (Ohio Ct. App. Aug. 9, 2010) (illegal use of WIC program benefits)

Packers and Stockyards Act

Tenth Circuit

Been v. O.K. Indus., No. 08-7078, 2010 WL 3995981 (10th Cir. 2010) (affirmation of poultry producer's liability under the Packers and Stockyards Act)

Perishable Agricultural Commodities Act

Second Circuit

Avanti Enters. v. A&T Produce, No. 09-CV-1185, 2010 WL 3909243 (E.D. N.Y. Sept. 30, 2010) (PACA action for failure to pay for produce)

A. Ferlito Farms v. Empire Fresh Cuts, No. 5:10-CV_1044, 2010 WL 3909521 (N.D. N.Y. Sept. 30, 2010) (rights under a PACA trust)

D.Arrigo Bros. Co. of New York v. Garden State Produce Co., No. 09 Civ. 4185(DLC)(KNF), 2010 WL 3448004 (S.D. N.Y. Aug. 18, 2010) (enforcement of statutory trust)

Fourth Circuit

Basciani Foods v. Roy Enterprises, No. 3:09-cv-01182, 2010 WL 3702615 (S.D. W.Va. Sept. 16, 2010) (PACA liability for failure to pay for produce)

Ninth Circuit

Andrew Smith Co. v. Paul's Pak, No. C-08-04802 RMW, 2010 WL 4789134 (N.D. Cal. Nov. 17, 2010) (PACA liability claim based on control of operations)

Henry Avacoda Corp. v. Polo's Produce, No. 1:10-cv-01298 AWI JLT, 2010 WL 4569136 (E.D. Cal. Nov. 3, 2010) (breach of fiduciary duties to PACA trust beneficiaries)

Higashi Farms v. Bank of the West, No. 5:09-cv-049830JF/PVT, 2010 WL 3955636 (N.D. Ca. Oct. 8, 2010) (enforcement of PACA trust)

Sun Pac. Marketing Co-op v. Dimare Fresh, No. CIV-F-06-1404 WI GSA, 2010 WL 3220301 (E.D. Cal. Aug. 13, 2010) (breach of contract)

Pesticides

Third Circuit

Indian Brand Farms v. Novartis Crop Protection, 617 F.2d 207 (3rd.Cir. 2010) (damage to plants due to reaction with fungicides)

Eighth Circuit

Scottsdale Ins. Co. v. Universal Crop Prot. Alliance, 620 F.3d 926 (8th Cir. 2010) (pollution exclusion in insurance policy relieved insurer of obligation to defend suit for crop destruction)

Ninth Circuit

Ctr. for Food Safety v. Vilsack, No. C 088-00484 JSW, 2010 WL 3222482 (N.D. Cal. Aug. 13, 2010) (genetically engineered sugar beets)

D.C. Circuit

Hardin v. Jackson, No. 09-5365, 2010 WL 4260340 (D.C. Cir. Oct. 29, 2010) (challenge of registration of weed control pesticides for rice production containing quinclorac)

Nat'l Corn Growers Ass'n v. E.P.A., 613 F.3d 266 (D.C. Cir. 2010) (EPA ban of carbofuran on domestic and imported food)

California

Ebbetts Pass Forest Wach v. Cal. Dep't of Forestry and Fire Protection, 114 Cal. Rptr. 3D 351 (Cal. App. 5th Dist. 2010) (timber harvesting plans)

Production Contracts

Tenth Circuit

Been v. O.K. Indus., No. 08-7078, 2010 WL 3995981 (10th Cir. 2010) (affirmation of poultry producer's liability under the Packers and Stockyards Act)

Renewable Fuels

Second Circuit

Mitsubishi Chem. Corp. v. Barr Laboratories, 718 F.Supp.2d 382 (S.D. N.Y. 2010) (patent infringement regarding ethanol dissolution)

Gissen v. Endres, No. 09 Civ. 9338(SAS), 2010 WL 3468508 (S.D. N.Y. Sept. 1, 2010) (securities fraud class action against ethanol producer for false and misleading statements)

Fifth Circuit

Zytax v. Green Plains Renewable Energy, No. H-09-2582, 2010 WL 4702303 (S.D. Tex. Nov. 10, 2010) (breach of contract regarding green energy regulations consulting)

Seventh Circuit

Novozymes A/S v. Danisco A/S, No. 10-cv-251-bbc, 2010 WL 2783682 (W.D. Wis. Sept. 24, 2010) (patent dispute involving biofuel enzyme manufacturers)

Eighth Circuit

Mitsubishi Heavy Indus. v. General Co., No. 5:10CV05087 JH, 2010 WL 3328329 (W.D. Ark. Aug. 23, 2010) (antitrust action against wind turbine manufacturer)

BioFuels Automation, Inc. v. Kiewit Energy Co., Civil No. 10-610 (DSD/FLN), 2010 WL 3023391 (D. Minn. July 28, 2010) (contract dispute involving ethanol producer)

Ninth Circuit

BlueEarth Biofuels v. Hawaiian Elec. Co., No. 09-00181 DAE-KSC, 2010 WL 4715717 (D. Haw. Nov. 15, 2010) (breach of contract regarding biofuel development)

Anahuac Mgmt. v. Mazer, No. 2:09-cv-01590-RLH-PAL, 2010 WL 3385392 (D. Nev. Aug. 23, 2010) (conversion of stock of biofuel company)

Hawaii

BlueEarth Biofuels v. Hawaiian Elec. Co., 235 P.3d 310 (Hawai'i 2010) (breach of contract, unfair competition, conversion, and other claims against biodiesel producer)

Indiana

Hamby v. Bd. of Zoning Appeals of Area Plan Comm'n of Warrick County, 932 N.E.2d 1251 (Ind. Ct. App. 2010) (high variance for installation of wind turbines on residence)

Massachusetts

Alliance to Prot. Nantucket Sound v. Energy Facilities Siting Bd., 932 N.E.2d 787 (Mass. 2010) (approval of petition to build underground transmission lines for off-shore wind power facility)

Secured Transactions

First Circuit

In re Montagne, 431 B.R. 94 (Bankr. D. Vt. May 24, 2010) (adversary proceeding by agricultural supplier to recover feed and other products supplied on credit)

Eighth Circuit

Nicollet Cattle Co. v. United Food Group, No. 08-5899 (JRT/FLN), 2010 WL 3546784 (D. Minn. Sept. 7, 2010) (wrongful cancellation of 148 contracts to sell beef and lamb products)

Indiana

Deere & Co. v. New Holland Rochester, 935 N.E.2d 267 (Ind. Ct. App. 2010) (replevin action after breach of contract)

Urban Encroachment

Seventh Circuit

Muscarello v. Ogle County Bd. of Comm'rs, 610 F.3d 416 (7th Cir. 2010) (challenge to condemnation order for construction of windmill)

Guardian Pipeline, L.L.C. v. 295.49 Acres of Land, more or less, in Brown Co., Calumet Co., Dodge Co., Fond Du Lac Co., Jefferson Co., Outagamie Co., WI, No. 08-C-0028, 2010 WL 2925845 (E.D. Wis. Jul 22, 2010) (compensation for condemned land)

Court of Federal Claims

Lost Tree Village Corp. v. United States, 92 Fed.Cl. 711 (Fed. Cl. May 27, 2010) (takings claim involving wetlands)

Colorado

City of Steamboat Springs v. Johnson, No. 09CA2520, 2010 WL 3035202 (Colo. Ct. App. Aug 05, 2010) (condemnation of greenbelt areas for highway use)

Connecticut

Mid Block Development, LLC v. Laydon Industries, Inc., No. CV096006032, 2010 WL 3025165 (Conn. Super. Ct. Jun 24, 2010) (negligence action)

Iowa

City of Clear Lake v. Kramer, No. 9-1689, 2010 WL 3157759 (Iowa. Ct. App. Aug. 11, 2010) (impact of new zoning restricts on prior owner)

Maine

Rudolph v. Golick, No. Yor-10-179, 2010 WL 4183685 (Me. Oct. 26, 2010) (horse boarding enterprise constituted “animal husbandry” for zoning purposes)

Maryland

Stitzel v. State, No. 1017, 2010 WL 3860464 (Md. Ct. App. Oct. 5, 2010) (voided sale of land subject to agricultural preservation easement without state approval)

Massachusetts

Wright v. Patriakeas, No. 298839, 2010 WL 3385565 (Mass. Land. Ct. Aug. 27, 2010) (pony-riding business was considered agricultural use and was thus exempted from obtaining special permit)

Wildstar Farm v. Malster, No. 09 PS 407541 (AHS), 2010 WL 3210728 (Mass. Land. Ct. Aug. 13, 2010) (whether horse farm is an “as-of-right use”)

Missouri

State ex rel. Missouri Parks Ass'n v. Missouri Dep't of Nat. Res., 316 S.W. 3D 275 (Mo. Ct. App. 2010) (effort to revoke concentrated animal feed operations construction permit due to impacts on village)

New Jersey

Curzi v. Raub, 415 N.J.Super. 1, 999 A.2d 1182 (N.J. App. Div. July 30, 2010) (nuisance action under the Right to Farm Act)

New York

Rivendell Winery, LLC v. Donovan, 74 A.D.3d 1594 (N.Y. App. Div. 2010) (application to operate farm winery in agricultural zoning district)

Pennsylvania

Lower Makefield Twp. v. Lands of Dalgewicz, 4 A.3d 1114 (Pa. Commw. Ct. 2010) (condemnation of farm for construction of golf course)

Corbett v. Richmond Twp., 2 A.3d 678 (Pa. Commw. Ct. 2010) (zoning ordinances relating to “intensive agriculture”)

Utah

Bingham v. Roosevelt City Corp., 235 P. 3d 730 (Utah 2010) (city not liable for groundwater diversion that lowered water table and made soil less saturated for irrigation purposes)

Water Law

California

Sonoma County Water Coalition v. Sonoma County Water Agency, 116 Cal.Rptr.3d 616 (Cal. Ct. App. 2010) (challenge to adequacy of county water agency's urban water management plan rejected)

Colorado

City of Englewood v. Burlington Ditch, Reservoir and Land Co., 235 P.3d 1061 (Colo. 2010) (challenge to changes in water rights to river by irrigation companies denied)

Broomfield v. Farmers Res. And Irr. Co., 235 P.3d 296 (Colo. 2010) (irrigation company challenges public application to change use of water rights)

City of Aurura v. Northern Colorado Water Conservancy Dist., 236 P.3d 1222 (Colo. 2010) (out-of-priority depletion)

V Bar Ranch LLC v. Cotton, 233 P.3d 1200 (Colo. 2010) (replacement well permit)

Idaho

Lake CDA Investments v. Idaho Dep't of Lands, 233 P.3d 721 (Idaho 2010) (reach of state-owned highway easements)

Kansas

Nelson v. State Dep't of Agric., No. 102,695, 2010 WL 4674303 (Kan. Ct. App. Nov. 19, 2010) (rights of water use by alfalfa farmer)

Montana

Hohenlohe v. State Dep't of Natural Res. and Conservation, 240 P.3d 628 (Mont. 2010) (review of denial of application for change of use of irrigation water rights)

Northern Cheyenne Tribe v. Montana Dep't of Envtl. Quality, 234 P.3d 51 (Mont. 2010) (groundwater discharge from coal bed methane extraction activities)

Nebraska

Cent. Neb. Pub. Power and Irr. Dist. v. N. Platte Nat. Res. Dist., 788 N.W.2d 252 (Neb. 2010) (denial of challenge to ground water appropriation by natural resources district)

Utah

Bingham v. Roosevelt City Corp., 235 P. 3d 730 (Utah 2010) (city not liable for groundwater diversion that lowered water table and made soil less saturated for irrigation purposes)

Washington

Hanson Indus. Inc. v. Kutschkau, 239 P.3d 367 (Wash. Ct. App. Sept. 16, 2010) (artificially stored water)

Fitzpatrick v. Okanogan County, 238 P.3d 1129 (Wash. 2010) (property damage due to dike improvement by county that changed course of river)