



Case Law Index Updates –April 1, 2010

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Administrative Law

Tenth Circuit

Reitz v. USDA, No. 08-4131-SAC, 2010 WL 786586 (D. Kan. Mar. 4, 2010) (violations of Privacy Act)

D.C. Circuit

Defenders of Wildlife v. Salazar, --- F.Supp.2d ---, 2010 WL 1140719 (D.D.C. 2010) (challenging bison and elk management plan)

Prime Time Int'l Co. v. Vilsack, --- F.3d ---, 2010 WL 1133810 (D.C. Cir. 2010) (USDA interpretation not entitled to Chevron deference)

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Dalles Irrigation Dist. v. United States, --- Fed. Cl. ---, 2010 WL 785395 (Fed. Cl. 2010) (EAJA attorney's fees)

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Wisconsin

Wisconsin v. Miller, No. 08-CX-5 (Wis. Cir. Ct. Mar. 9, 2010) (religious exemption to animal id program). *A link to the full text of the unreported decision was added to the Index.*

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Huntingdon Life Scis., Inc. v. Stop Huntingdon Animal Cruelty, --- N.Y.S.2d ---, 2010 WL 818490 (N.Y. App. Div. 2010) (injunction to stop animal rights protestors)

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S. States Coop. v. Melick Aquafeeds, Inc., No. 7:08-cv-13 (HL), 2010 WL 1224089 (M.D. Ga. Mar. 22, 2010) (defective tilapia feed)

Bankruptcy

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George Love Farming LLC v. Barnes Banking Corp. (In re George Loving Farming, LLC), Bank Nos. UT-08-094, 06-20612, Adv. No. 08-02027, 2010 WL 813689 (B.A.P. 10th Cir. Mar. 9, 2010) (jurisdiction of bankruptcy court)

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Montana

In re Voss, No. 09-62224-13, 2010 WL 1236147 (Bankr. D. Mont. Mar. 24, 2010) (proof of secured claim)

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In re Hatfield 7 Dairy, Inc., --- B.R. ---, 2010 WL 779613 (Bankr. S.D. Ohio 2010) (denial of postpetition stay)

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Ninth Circuit

Ctr. for Food Safety v. Schafer, No. C 08-00484 JSW, 2010 WL 964017 (N.D. Cal. 2010) (denial of injunction in Roundup Ready sugar beet litigation)

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Dep't of Agric. v. Appletree Mktg., L.L.C., --- N.W.2d ---, 485 Mich. 1 (Mich. 2010) (did state check-off program abrogate common law remedies)

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Peconic Baykeeper, Inc. v. Suffolk County, --- F.3d ---, 2010 WL 1192325 (2d Cir. 2010) (discharge of pesticide into "waters of the U.S.")

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Waltman v. King William County School Bd., No. 3:10CV72-HEH, 2010 WL 1006889 (E.D. Va. Mar. 16, 2010) (stormwater exemption)

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Agri-Plastics, Inc. v. Hog Slat, Inc., No. 3:09-CV-1271-B, 2010 WL 711811 (N.D. Tex. Feb. 26, 2010) (breach of warranties)

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Seventh Circuit

Nieto v. Perdue Farms, Inc., No. 08-07399, 2010 WL 1031691 (N.D. Ill. Mar. 17, 2010) (no violations of consumer protection law)

Eighth Circuit

DJ Coleman, Inc. v. Nufarm Americas, Inc., --- F.Supp.2d ---, 2010 WL 890835 (D.N.D. 2010) (negligence & strict liability in sale of pesticide)

Eleventh Circuit

S. States Coop. v. Melick Aquafeeds, Inc., No. 7:08-cv-13 (HL), 2010 WL 1224089 (M.D. Ga. Mar. 22, 2010) (defective feed)

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Westfield Ins. Co. v. Birkey's Farm Store, Inc., --- N.E.2d ---, 2010 WL 1006221 (Ill. App. Ct. 2010) (economic loss doctrine)

Iowa

Midwest Hatchery & Poultry Farms, Inc. v. Doorenbos Poultry, Inc., No. 09-0182, 2010 WL 786210 (Iowa Ct. App. Mar. 10, 2010) (breach of poultry contract)

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O'Neill Farms, Inc. v. Reinert, --- N.W.2d ---, 2010 WL 819819 (S.D. 2010) (breach of combine lease, forum selection clause; choose of law)

Conservation Programs

Ninth Circuit

A link to the full text of the unreported decision was added to Nat'l Wildlife Fed'n v. Schaefer, No. CV08-1004-JCC (W.D. Wash. July 24, 2008).

Cooperatives

Eleventh Circuit

Golden Gem Growers, Inc. v. Ferguson (In re Golden Gem Growers, Inc.), Bankr. No. 6:01-bk-09028-ABB, Adv. No. 6:07-ap-00095-ABB, 2010 WL 745476 (Bankr. M.D. Fla. Mar. 2, 2010) (breach of contract against members of cooperative)

Corporate Farming Laws

North Dakota

A link to the full text of the unreported decision was added to Stenehjem ex rel., North Dakota v. Crosslands, Inc., No. 20-05-C-002 (N.D. Dist. Ct. June 5, 2009).

Disaster Assistance/Crop Insurance

Fifth Circuit

Pace v. Armtech Ins. Servs., No. 1:07-cv-00335, 2010 WL 1253645 (W.D. La. Mar. 30, 2010) (claim of failure to pay insurance claims)

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Ninth Circuit

Native Ecosystems Council v. Tidwell, --- F.3d ---, 2010 WL 843761 (9th Cir. 2010) (failure to comply with NEPA in updating grazing allotments)

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Defenders of Wildlife v. Salazar, --- F.Supp.2d ---, 2010 WL 1140719 (D.D.C. 2010) (no NEPA violations in elk feeding rules)

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Seventh Circuit

Nieto v. Perdue Farms, Inc., No. 08-07399, 2010 WL 1031691 (N.D. Ill. Mar. 17, 2010) (adding giblets to whole chickens to increase weight)

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Ninth Circuit

Nat'l Meat Ass'n v. Brown, --- F.3d ---, 2010 WL 1225477 (9th Cir. 2010) (no federal preemption of state slaughter law)

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Court of International Trade

Zhengzhou Harmoni Spice Co. v. United States, --- F.Supp.2d ---, 2010 WL 277132 (Ct. Int'l Trade 2010) (challenging antidumping duty order)

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Sixth Circuit

Dillworth v. Case Farms Processing, Inc., No. 5:08-cv-1694, 2010 WL 776933 (N.D. Ohio Mar. 8, 2010) (FLSA; denial of compensation for donning and doffing)

Eighth Circuit

Perez-Benites v. Candy Brand, LLC, No. 07-CV-1048, 2010 WL 1250874 (W.D. Ark. Mar. 23, 2010) (H-2A workers; violation of uniform employment contract)

Eleventh Circuit

In re Tyson Foods, Inc. --- F.Supp.2d ---, 2010 WL 935595 (M.D. Ga. 2010) (FLSA; denial of compensation for donning and doffing)

In re Tyson Foods, Inc. --- F.Supp.2d ---, 2010 WL 935774 (M.D. Ga. 2010) (FLSA; denial of compensation for donning and doffing)

D.C. Circuit

United Farm Workers v. Solis, --- F.Supp.2d ---, 2010 WL 1037958 (D.D.C. 2010) (wage rate for H-2A workers)

Landowner Liability

Sixth Circuit

Meridan Citizens Mut. Ins. Co. v. Horton, No. 5:08-CV-302-KKC, 2010 WL 1253084 (E.D. Ky. Mar. 25, 2010) (coverage of insurance policy)

Ninth Circuit

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Dow-Westbrook, Inc. v. Candlewood Equine Practice, --- A.2 ---, 2010 WL 724193 (Conn. App. Ct. 2010) (liability for injuries to a horse while at vet clinic)

Louisiana

Everett v. State Farm Fire & Cas. Ins. Co., --- So.3d ---, 2010 WL 1170202 (La. Ct. App. 2010) (damages from horseback riding accident)

Montana

Tally Bissell Neighbors, Inc. v. Eyrie Shotgun Ranch, LLC, --- P.3d ---, 2010 MT 63 (Mont. 2010) (private nuisance created by shooting range)

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Alvine Family Ltd. P'ship v. Hagemann, --- N.W.2d ---, 2010 WL 970912 (S.D. 2010) (trespass from manure)

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Perishable Agricultural Commodities Act

Fourth Circuit

Nickey Gregory Co. v. AgriCap, LLC, --- F.3d ---, 2010 WL 743590 (4th Cir. 2010) (accounts receivables subject to PACA trust)

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Sunrise Orchards, Inc. v. Pets Calvert Co., No. 08-cv-6684, 2010 WL 1194203 (N.D. Ill. Mar. 23, 2010) (breach of PACA trust)

Ninth Circuit

In re Symons Frozen Foods, --- B.R. ---, 2010 WL 816648 (Bankr. W.D. Wash. 2010) (priority of PACA trust claims)

Renewable Energy

Maine

Friends of Lincoln Lakes v. Bd. of Env'tl. Prot., --- A.2d ---, 2010 WL 816170 (Me. 2010) (challenging permits to construct wind farm)

California

Arterberry v. County of San Diego, --- Cal. Rptr.3d ---, 2010 WL 1032665 (Cal. Ct. App. 2010) (denial of certification for solar system)

Secured Transactions

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In re Voss, No. 09-62224-13, 2010 WL 1236147 (Bankr. D. Mont. Mar. 24, 2010) (proof of secured claim)

Bank of the West, Inc. v. Organic Grain & Milling, Inc., No. CV-08-2220-PHX-FJM, 2010 WL 995459 (D. Ariz. Mar. 17, 2010) (lien in crop; failure to pay proceeds to bank)

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Great W. Bank v. Willmar Poultry Co., --- N.W.2d ---, 2010 ND 50 (N.D. 2010) (super-priority status of agricultural lien)

Urbanization and Agriculture

Ninth Circuit

Nicholson v. County of Stanislaus, No. CV F 09-01941 AWISMS, 2010 WL 923729 (E.D. Cal. Mar. 12, 2010) (iris farm violated zoning)

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Palizzi v. City of Brighton, --- P.3d ---, 2010 WL 1006666 (Colo. 2010) (evidence to determine market value for condemned farm land)

Connecticut

Conservation Comm'n of Fairfield v. Dimaria, --- A.2d ---, 2010 WL 724360 (Conn. App. Ct. 2010) (conservation easement; removal of fill material)

New Jersey

Twp. of Bethlehem v. New Jersey Agric. Dev. Comm., 2010 WL 909147 (N.J. Super. Ct. App. Div. Mar. 15, 2010) (denial of state funds to preserve farmland)

Ohio

Terry v. Sperry, No. 08-MA-227, 2010 WL 1178065 (Ohio Ct. App. Mar. 23, 2010) (winery not exempt from zoning regulations)

Pennsylvania

Way v. Berks County Bd. of Assessment Appeals, --- A.2d ---, 2010 WL 744234 (Pa. Commw. Ct. 2010) (tax assessment under farmland assessment act)

South Carolina

Sinkler v. County of Charleston, --- S.E.2d ---, 2010 WL 915827 (S.C. 2010) (rezoning ag land is invalid)

Texas

Ehler v. LVDVD, L.C., --- S.W.3d ---, 2010 WL 939044 (Tex. App. 2010) (right-to-farm law; pleading in trespass)

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Tunison v. Harper, --- S.E.2d ---, 2010 WL 889794 (Ga. 2010) (irrigation from pond shared by two landowners)

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Klamath Irrigation Dist. v. United States, --- P.3d ---, 2010 WL 841320 (Or. 2010) (equitable property interest in water)