

Representative Matters Handled as a Judge

Judge Birch authored the following representative Eleventh Circuit opinions:

Administrative

- *Emerald Shores Health Care Assocs. v. U.S.*, 545 F.3d 1292 (2008)
- *Makro Capital of America, Inc. v. UBS AG*, 543 F.3d 1254 (2008)
- *Zukas v. Hinson*, 124 F.3d 1407 (1997)
- *Univ. Health Services, Inc. v. H&H Services*, 120 F.3d 1145 (1997)
- *Bama Tomato Co. v. USDA*, 112 F.3d 1542 (1997)
- *Wolfe v. Charter*, 86 F.3d 1072 (1996)
- *Marshall Durbin Food Co. v. ICC*, 959 F.2d 915 (1992)
- *Hussion v. Madigan*, 950 F.2d 1546 (1992)
- *U.S. v. Peppertree Apartments*, 942 F.2d 1555 (1991)
- *Cornelius v. Sullivan*, 936 F.2d 1143 (1991)
- *Charter Fed. Savings & Loan Assoc. v. Office of Thrift Supervision*, 912 F.2d 1569 (1990)

Admiralty

- *Sweet Pea Marine, Ltd. v. APJ Marine, Inc.*, 411 F.3d 1242 (2005)
- *Ibesa American, Inc. v. M/V Anglia*, 134 F.3d 1035 (1998)

Arbitration

- *Frazier v. CitiFinancial Corp.*, 604 F.3d 1313 (2010)
- *Klay v. All Defendants*, 389 F.3d 1191 (2004)
- *Brown v. ITT Consumer Financial Corp.*, 211 F.3d 1217 (2000)
- *Scott v. Prudential Securities*, 141 F.3d 1007 (1998)
- *Chastain v. Robinson-Humphrey Co., Inc.*, 957 F.2d 851 (1992)

Bankruptcy

- *In re: Tanner Family, LLC*, 556 F.3d 1194 (2009)
- *In re: Builders Transport, Inc.*, 471 F.3d 1178 (2006)
- *In re: Icarus Holding, LLC*, 391 F.3d 1315 (2004)
- *Parker v. Wendy's International, Inc.*, 365 F.3d 1268 (2004)
- *In re: Bateman*, 331 F.3d 821 (2003)
- *In re: Alabama Land and Mineral Corp.*, 292 F.3d 1319 (2002)
- *In re: Welzel*, 275 F.3d 1308 (2001)
- *In re: Griffith*, 206 F.3d 1389 (2000) (*en banc*)
- *Havco of America, Ltd. v. Hill*, 197 F.3d 1135 (1999)
- *In re: Southeast Banking Corp.*, 179 F.3d 1307 (1999)

- *In re: Southeast Banking Corp.*, 156 F.3d 1114 (1998)
- *In re: Levine*, 134 F.3d 1046 (1998)
- *In re: Smith*, 85 F.3d 1555 (1996)
- *In re: Vann*, 67 F.3d 277 (1995)
- *In re: Haas*, 48 F.3d 1153 (1995)
- *In re: Coggin*, 30 F.3d 1443 (1994)
- *Transouth Financial Corp. of FL v. Johnson*, 931 F.2d 1505 (1991)

Civil Rights (Constitutional Torts)

- *Boyce v. Andrew*, 510 F.3d 1333 (2007)
- *Smith v. Allen*, 502 F.3d 1255 (2007)
- *Epps v. Watson*, 492 F.3d 1240 (2007)
- *Kinnon v. Ancoub, Gapman & Assoc., Inc.*, 490 F.3d 886 (2007)
- *Schiavo ex rel Schindler v. Schiavo*, 404 F.3d 1270 (11th Cir. 2005)
- *Shotz v. City of Plantation, Florida*, 344 F.3d 1161 (2003)
- *Carr v. Tatangelo*, 338 F.3d 1259 (2003)
- *Harden v. Pataki*, 320 F.3d 1289 (2002)
- *Florida Right to Life, Inc. v. Lamar*, 273 F.3d 1318 (2001)
- *Morris v. City of West Palm Beach*, 194 F.3d 1203 (1999)
- *Crasby v. Paulk*, 187 F.3d 1339 (1999)
- *Mastroianni v. Bowers*, 173 F.3d 1363 (1999)
- *Wilson v. Blankenship*, 163 F.3d 1284 (1998)
- *Ensley v. Soper*, 142 F.3d 1402 (1998)
- *Parise v. Delta Airlines*, 141 F.3d 1463 (1998)
- *Davis v. Childs*, 139 F.3d 1414 (1998)
- *Arrington v. Cobb County*, 139 F.3d 865 (1998)
- *Jenkins by Hall v. Talledega City Bd. Of Educ.*, 115 F.3d 821 (1997) (*en banc*)
- *United States v. Gecas*, 50 F.3d 1549 (1995)
- *Cuban American Bar Ass'n v. Christopher*, 43 F.3d 1412 (1995)
- *Parks v. City of Warner Robins, GA*, 43 F.3d 609 (1995)
- *Hill v. DeKalb Regional Youth Detention Ctn.*, 40 F.3d 1176 (1994)
- *Sultenfuss v. Snow*, 35 F.3d 1494 (1994) (*en banc*)
- *Dimmitt Chevrolet v. City of Clearwater*, 985 F.2d 1565 (1993)
- *Ellis v. Coffee County Bd. of Regents*, 981 F.2d 1185 (1993)
- *Moore v. Gwinnett County*, 967 F.2d 1495 (1992)
- *Courson v. McMillian*, 939 F.2d 1479 (1991)

Contracts

- *Cox Enterprises, Inc. v. News-Journal Corp.*, 510 F.3d 1350 (2007)
- *Cox Nuclear Pharmacy, Inc. v. CTI, Inc.*, 478 F.3d 1303 (2007)
- *HGI Associates, Inc. v. Wetmore Printing Co.*, 427 F.3d 867 (2005)
- *Siemens Power Transmission & Distribution, Inc. v. N.S.R. Company*, 420 F.3d 1243 (2005)
- *Palmer & Cay, Inc. v. Marsh & McLennan Companies, Inc.*, 404 F.3d 1297 (2005)
- *Keener v. Convergys Corp.*, 342 F.3d 1264 (2003)
- *A.I.G. Uruguay Compania De Seguros, S.A. v. A.A. Cooper Transportation*, 334 F.3d 997 (2003)
- *CSX Transportation, Inc. v. City of Garden City*, 325 F.3d 1236 (2002)
- *Information Systems And Networks Corp. v. City of Atlanta*, 281 F.3d 1220 (2002)
- *NATCO Limited Partnership v. Moran Towing of Florida, Inc.*, 267 F.3d 1190 (2001)
- *St. Charles Foods v. America's Favorite Chicken*, 198 F.3d 815 (1999)
- *MCC-Marble Ceramic Center, Inc. v. Ceramica Nuova D'Agostino S.P.A.*, 144 F.3d 1384 (1998)
- *Camp Creek Hospitality Inns v. Sheraton*, 130 F.3d 1009 (1997) and 139 F.3d 1396 (1998)
- *Denson v. Stack*, 997 F.2d 1356 (1993)
- *Integon Life Ins. Corp. v. Browning*, 989 F.2d 1143 (1993)
- *American Transport Lines, Inc. v. WRVES*, 985 F.2d 1065 (1993)
- *Oxford Furniture v. Drexel Heritage Furnishings*, 984 F.2d 1118 (1993)
- *Roboserve, Ltd. v. Tom's Foods, Inc.*, 940 F.2d 1441 (1991)
- *Devlin v. Ingram*, 928 F.2d 1084 (1991)

Copyright

- *Wilchombe v. TeeVee Toons, Inc.*, 555 F.3d 949 (2009)
- *Greenberg v. National Geographic Society*, 533 F.3d 1244 (2008)
- *Corwin v. Walt Disney Co.*, 468 F.3d 1329 (2006)
- *Calhoun v. Lillenas Publishing*, 298 F.3d 1228 (2002)
- *SunTrust Bank v. Houghton Mifflin Co.*, 268 F.3d 1257 (2001)
- *Foley v. Luster*, 249 F.3d 1281 (2001)
- *Greenberg v. National Geographic Society*, 244 F.3d 1267 (2001)
- *Mitek Holdings, Inc. v. Arce Engineering Co.*, 198 F.3d 840 (1999)
- *Mitek Holdings, Inc. v. Arce Engineering Co.*, 89 F.3d 1548 (1996)
- *Bateman v. Mnemonics, Inc.*, 79 F.3d 1532 (1996)
- *Warren Publishing, Inc. v. Microdos Data Corp.*, 115 F.3d 1509 (1997) (en banc)
- *Bellsouth Adv. & Pub. Corp. v. Donnelley Info. Pub.*, 999 F.2d 1436 (1993) (en banc)
- *Cable News Network v. Video Monitoring Services*, 940 F.2d 1471 (1991)
- *In re Capital Cities/ABC, Inc.*, 918 F.2d 140 (1990)

Employment Discrimination

- *Madray v. Publix Supermarkets*, 208 F.3d 1290 (2000)
- *Barnes v. Broward County Sheriff's Office*, 190 F.3d 1274 (1999)
- *Bogle v. Orange County Bd. Of Comm.*, 162 F.3d 653 (1998)
- *Doe v. DeKalb County School Dist.*, 145 F.3d 1441 (1998)
- *Holbrook v. City of Alpharetta*, 112 F.3d 1522 (1997)
- *Little v. United Technologies*, 103 F.3d 956 (1997)
- *Belyeu v. Coosa County Bd. Of Educ.*, 998 F.2d 925 (1993)

Employment

- *Manuel v. Convergys Corp.*, 430 F.3d 1132 (2005)
- *Waddell v. Valley Forge Dental Associates, Inc.*, 276 F.3d 1275 (2001)
- *Lipphardt v. Durango Steakhouse of Brandon, Inc.*, 267 F.3d 1183 (2001)
- *Adams v. Florida Power Co.*, 255 F.3d 1122 (2001)
- *Lowe v. Alabama Power Co.*, 244 F.3d 1305 (2001)
- *Durley v. APAC, Inc.*, 236 F.3d 651 (2000)
- *Cash v. Smith*, 231 F.3d 1301 (2000)
- *Koch v. Rugg*, 221 F.3d 1283 (2000)
- *U.S. E.E.O.C. v. W&O, Inc.*, 213 F.3d 600 (2000)
- *Reilly v. Alcan Aluminum Corp.*, 181 F.3d 1206 (1999)
- *Chapman v. AI Transport*, 180 F.3d 1244 (1999)
- *Williams v. Vitro Services, Corp.*, 144 F.3d 1438 (1998)
- *Jamieson v. Arrow Co.*, 75 F.3d 1528 (1998)
- *Olmstead v. Taco Bell Corp.*, 141 F.3d 1457 (1998)
- *Benson v. Tocco, Inc.*, 113 F.3d 1203 (1997)
- *Daugherty v. Honeywell, Inc.*, 3 F.3d 1488 (1993)
- *W.R. Grace & Co. v. Mouyal*, 959 F.2d 219 (1992)
- *Ferrero v. Associated Materials, Inc.*, 923 F.2d 1441 (1991)

Environmental

- *LEAF v. EPA*, 118 F.3d 1467 (1997)

ERISA

- *Oliver v. Coca Cola Company*, 4987 F.3d 1181 (2007)
- *Green v. Holland*, 480 F.3d 1216 (2007)
- *Moorman v. Unamprovident Corp.*, 464 F.3d 1260 (2006)
- *Popowski v. Parrott*, 461 F.3d 1367 (2006)
- *Slomcenski v. Citibank, N.A.*, 432 F.3d 1271 (2005)
- *ITPE Pension Fund v. Hall*, 334 F.3d 1011 (2003)
- *Morstein v. National Ins. Services, Inc.*, 74 F.3d 1135 (1996)

- *Paramore v. Delta Airlines*, 129 F.3d 1446 (1997)
- *Sanson v. General Motors Corp.*, 966 F.2d 618 (1992)
- *Aldridge v. Lily-Tulip, Inc.*, 953 F.2d 587 (1992)
- *Useden v. Acker*, 947 F.2d 1563 (1991)

Insurance

- *Adams v. Southern Farm Bureau Life Insurance, Co.*, 493 F.3d 1276 (2007)
- *Dadeland Depot, Inc. v. St. Paul Fire and Marine Ins. Co.*, 483 F.3d 1265 (2007)
- *Dadeland Depot, Inc. v. St. Paul Fire and Marine Ins. Co.*, 479 F.3d 799 (2007)
- *Dadeland Depot, Inc. v. St. Paul Fire and Marine Ins. Co.*, 383 F.3d 1273 (2004)
- *Nova Information Systems, Inc. V. Greenwich Insurance Co.*, 365 F.3d 996 (2004)
- *Henning v. Continental Casualty Co.*, 254 F.3d 1291 (2001)
- *Galindo v. Ari Mutual Insurance Co.*, 203 F.3d 771 (2000)
- *DeHart v. Liberty Mutual Ins. Co.*, 169 F.3d 727 (1999)
- *Technical Coating Applicators v. U.S. Fidelity & Guaranty Co.*, 157 F.3d 843 (1998)
- *Morstein v. National Ins. Services, Inc.*, 93 F.3d 715 (1996)
- *Elan Pharmaceutical Research v. Employees Ins. of Wausau*, 144 F.3d 1372 (1998)
- *Venn v. St. Paul Fire & Marine Ins. Co.*, 99 F.3d 1058 (1996)
- *Amica Mut. Ins. Co. v. Bourgault*, 979 F.2d 187 (1992)
- *Camp v. St. Paul Fire & Marine Ins. Co.*, 958 F.2d 340 (1992)
- *Insurance Co. of North America v. Lexow*, 937 F.2d 569 (1991)
- *Martin v. Commercial Union Ins. Co.*, 935 F.2d 235 (1991)
- *Lanier v. Traub*, 934 F.2d 287 (1991)

Labor

- *Nat'l Mining Ass'n v. Sec'y of Labor*, 589 F.3d 1368 (2009)
- *Bhd of Locomotive Eng'rs & Trainmen v. CSX Transportation*, 522 F.3d 1190 (2008)
- *Marine Engineers Beneficial Ass'n v. GFC Crane Consultants, Inc.*, 331 F.3d 1287 (2003)
- *CSX Transportation, Inc. v. Brotherhood of Maintenance of Way Employees*, 327 F.3d 1309 (2003)
- *Steger v. General Electric Company*, 318 F.3d 1066 (2002)
- *The Waldinger Corp. v. NLRB*, 262 F.3d 1213 (2001)
- *Cooper/T.Smith, Inc. v. NLRB*, 177 F.3d 1259 (1999)
- *Freeman v. City of Mobile*, 146 F.3d 1292 (1998)
- *Bradberry v. Director, Office of Workers' Comp.*, 117 F.3d 1361 (1997)
- *Irby v. Bittick*, 44 F.3d 949 (1995)
- *Color Pigments Mfgs. Assoc., Inc. v. Occupational Safety & Health Admin.*, 16 F.3d 1157 (1994)
- *Sullivan, Long & Hagerty, Inc. v. Local 559*, 980 F.2d 1424 (1993)

- *Dowd v. International Longshoremen's Ass'n, AFL-CIO*, 975 F.2d 779 (1992)
- *Northpoint Health Services, Inc. v. NLRB*, 961 F.2d 1547 (1992)
- *Arlook v. S. Lichtenberg & Co., Inc.*, 952 F.2d 367 (1992)

Securities

- *Tello v. Dean Witter Reynolds, Inc.*, 494 F.3d 956 (2007)
- *Wagner v. First Horizon Pharmaceutical Corp.*, 464 F.3d 1273 (2006)
- *Tello v. Dean Witter Reynolds, Inc.*, 410 F.3d 1275 (2005)
- *Commodity Futures Trading Commission v. Mass Media Marketing, Inc.*, 297 F.3d 1321 (2002)
- *Theratx, Inc. v. Duncan*, 234 F.3d 1240 (2000)
- *United States v. Elliott*, 62 F.3d 1304 (1995)

Telecommunications

- *AT&T Broadband v. Tech Communications, Inc.*, 381 F.3d 1309 (2004)
- *Hill v. BellSouth Telecommunications, Inc.*, 364 F.3d 1308 (2004)
- *AT&T Com. Of the So. States v. BellSouth Telecommunications*, 268 F.3d 1294 (2001)
- *BellSouth Telecommunications, Inc. v. Town of Palm Beach*, 252 F.3d 1169 (2001)
- *Cable Holdings of GA v. McNeil Real Estate, Ltd.*, 953 F.2d 500 (1992)

Torts

- *Turner v. U.S.*, 514 F.3d 1194 (2008)
- *Nimbus Technologies, Inc. v. Sunndata Products, Inc.*, 484 F.3d 1305 (2007)
- *Levine v. World FinancialNetwork National Bank*, 437 F.3d 1118 (2006)
- *AMTRAK v. Roundtree Transport*, 422 F.3d 1275 (2005)
- *Rink v. Cheminova, Inc.*, 400 F.3d 1286 (2005)
- *Flood v. Young Woman's Christian Assoc. of Brunswick*, 309 F.3d 1261 (2005)
- *EDIC v. Century Products Company*, 364 F.3d 1276 (2004)
- *National Railroad Passenger Corp. v. Roundtree Transport*, 286 F.3d 1233 (2002)
- *Ochran v. U.S.*, 273 F.3d 1315 (2001)
- *Royal Ins. Co. of America v. Whitaker Contracting Corp.*, 242 F.3d 1035 (2001)
- *Waters v. International Precious Metals Corp.*, 190 F.3d 1291 (1999)
- *Piamba Costes v. American Airlines, Inc.*, 177 F.3d 1272 (1999)
- *Whitley v. United States*, 170 F.3d 1061 (1999)
- *Schafer v. Time, Inc.*, 142 F.3d 1361 (1998)
- *Ochran v. United States*, 117 F.3d 495 (1997)
- *Sheckels v. AGV-USA, Corp.*, 987 F.2d 1532 (1993)
- *White v. Edmoud*, 971 F.2d 681 (1992)

Trade Regulation

- *International Cosmetics Exchange, Inc. v. Gapardis Health & Beauty, Inc.*, 303 F.3d 1242 (2002)
- *Johnson & Johnson Vision Care, Inc. v. 1-800 Contacts, Inc.*, 299 F.3d 1242 (2002)

Trademark

- *Optimum Technologies, Inc. v. Henkel Consumer Adhesives, Inc.*, 496 F.3d 1231 (2007)
- *Sunamerica Corp. v. Sun Life Assur. Co. of Canada*, 77 F.3d 1325 (1996)
- *Mini Maid Services Co. v. Maid Brigade Systems, Inc.*, 967 F.2d 1516 (1992)