

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Claire Claudia Chadirjian Cecchi (formerly Claire Claudia Chadirjian)

2. **Position:** State the position for which you have been nominated.

United States District Judge for the District of New Jersey

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: United States District Court for the District of New Jersey  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102



4. **Birthplace:** State year and place of birth.

1964; Queens, New York

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1986 – 1989, Fordham University School of Law; J.D., 1989

1982 – 1986, Barnard College, Columbia University; B.A. (*cum laude*), 1986

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2006 – present  
United States District Court for the District of New Jersey  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102  
United States Magistrate Judge

2004 – 2006  
McElroy, Deutsch, Mulvaney & Carpenter  
Three Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
Partner (2005 – 2006)  
Of Counsel (2004 – 2005)

1997 – 2004  
Carpenter, Bennett & Morrissey  
Three Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
Partner (2001 – 2004)  
Associate (1997 – 2001)

1996  
Robinson, Lapidus & Livelli  
One Newark Center, 19<sup>th</sup> Floor  
Newark, New Jersey 07102  
Associate

1992 – 1996  
Robinson, St. John & Wayne  
One Newark Center, 19<sup>th</sup> Floor  
Newark, New Jersey 07102  
Associate

1989 – 1992  
Office of the Corporation Counsel, City of New York  
100 Church Street  
New York, New York 10007  
Assistant Corporation Counsel (Real Estate Litigation Division)

Summer 1988  
Newman, Schlau, Fitch and Burns  
14 Wall Street, 22<sup>nd</sup> Floor  
New York, New York 10005  
Summer Associate

Spring 1988  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, New York 10007  
Student Clerk to the Honorable Kevin Thomas Duffy (uncompensated)

Summer 1987  
United States Court of Appeals for the Second Circuit  
Office of the Staff Counsel, Civil Appeals Management Plan  
500 Pearl Street  
New York, New York 10007  
Student Intern (uncompensated)

Other Affiliations

2003 – 2006  
Historical Society of the U.S. District Court for the District of New Jersey  
c/o Office of the Clerk, U.S. District Court  
50 Walnut Street  
Newark, New Jersey 07102  
Director (uncompensated)

In addition, in 1998 I formed Claire C. Cecchi, Inc. with my husband with the intention of establishing a retail ceramics shop. The company conducted *de minimis* exploratory business, and was dissolved in 2002.

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I have not registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

“40 Under 40,” *New Jersey Law Journal* (2002)  
Gulbenkian Merit Scholarship, Fordham University School of Law

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association  
American Bar Foundation, Fellow  
Association of the Federal Bar, District of New Jersey

Essex County Bar Association  
Historical Society of the U.S. District Court for the District of New Jersey  
Director (2003 – 2006); Advisor (2006 – present)  
New Jersey State Bar Association  
Civil Trial Bar Section  
Federal Trial Practice Section  
Labor and Employment Law Section  
Products Liability & Toxic Torts Section  
New York State Bar Association  
Torts, Insurance, and Compensation Law Section  
William J. Brennan/Arthur T. Vanderbilt Inn of Court (limited participation)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Connecticut, 1990  
New Jersey, 1990  
New York, 1990

In September 2007, I was late in paying my New Jersey Bar dues because the fee notice was sent to my prior law firm and I had already begun service as a United States Magistrate Judge. I promptly paid the dues when I learned that they were owed and was reinstated to good standing in less than a month. There has been no other lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates or admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Second Circuit, 1994  
United States Court of Appeals for the Third Circuit, 2002  
United States District Court for the District of New Jersey, 1990  
United States District Court for the Eastern District of New York, 1992  
United States District Court for the Northern District of New York, 1998  
United States District Court for the Southern District of New York, 1992

There has been no lapse in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school.

Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Barnard Alumnae Association (1986 – present)

Barnard Business and Professional Women, Inc. (approximately 2003)

Catskill Mountain Foundation (2002 – 2003)

The Club at Windham Mountain (2009 – present)

Essex Fells Country Club (family privileges) (2005 – present)

Fordham Law School Alumni Association (1994 – present)

Junior League of Montclair-Newark (1998 – 2006)

Newark Museum (1999 – 2004)

In addition to the organizations listed above, I have been termed a “member” by cultural organizations that use the term to reflect payment of admission fees and by non-profit organizations that use the term based on the fact of a charitable contribution alone. The organizations in this category that I recall are the following: The American Museum of Natural History (2009 – 2010); The New York Botanical Gardens (2005 – 2007); The Bronx Zoo (2008 – 2009); The Intrepid Sea, Air and Space Museum (2010 – 2011); The Liberty Science Center (2008 – 2009); and The Mountaintop Arboretum (2009 – 2011).

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None of the organizations listed above has discriminated on the basis of race, sex, religion or national origin during the time I have been a member. I am not aware of any instance of former discrimination.

## 12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Co-author, *New Jersey Workers' Compensation Act, Americans with Disabilities Act and Family Leave Act of 1993: Understanding Their Overlapping Requirements*, New Jersey Business and Industry Association, Nov. 21, 1997. Copy supplied.

*Lady Justice: A Controversial Artistic Depiction*, Nunc Pro Tunc (Newsletter of the Historical Society of the U.S. District Court for the District of New Jersey), Volume V, Issue 2, Summer 2003 (reprinted in Volume IX, Issue 1, Feb. 2007). Copy supplied.

*Thoughts from Our Magistrate Judges*, Nunc Pro Tunc (Newsletter of the Historical Society of the U.S. District Court for the District of New Jersey), Volume X, Issue 1, Feb. 2008. Copy supplied.

I do not recall other publications, though there may be some I have been unable to remember or identify.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None of which I am aware.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None of which I am aware.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my files and publicly-available information in seeking to list below all speeches or talks I have delivered. There may, however, be others I have been unable to remember or identify. In particular, since becoming a judge, I have sought to participate in educational programs for attorneys and non-attorneys when asked.

New Jersey Institute for Continuing Legal Education, "Practice before United States Magistrate Judges," Panel Member (January 10, 2007). Audio supplied.

New York Intellectual Property Law Association, Continuing Legal Education, "Litigation Oral Argument Workshop," Moderator (November 16, 2007). I have no notes, transcript, or recording. The address of the Association is 485 Kinderkamack Road, 2<sup>nd</sup> Floor, Oradell, NJ 07649. Coverage of the program in the Association's newsletter is supplied.

New Jersey Institute for Continuing Legal Education, "Practice before United States Magistrate Judges," Panel Member (January 16, 2008). Audio supplied.

United States District Court for the District of New Jersey, Take Your Child to Work Day, Host (April 16, 2008). I have no notes, transcript, or recording.

MDAdvantage Continuing Medical Education Seminar, Mock Trial Judge (November 7, 2008). I have no notes, transcript, or recording. The address of MDAdvantage is 2 Princess Road, Suite 2, Lawrenceville, NJ 08648.

The Association of the Federal Bar of New Jersey, "Federal Practice for New Jersey State Court Practitioners," Panel Member (November 13, 2008). I have no notes, transcript, or recording. The address of the Association is P.O. Box 172, West Allenhurst, NJ 07711.

New Jersey Institute for Continuing Legal Education, "E-Discovery for Litigators and Transactional Attorneys," Panel Member (February 24, 2009). Audio supplied.

Rutgers Business Law Journal and Rutgers-Newark School of Law, "*E-discovery 101: Overview of E-Discovery Rule Amendments, New Amendments, Recent Case Law of Interest, and Why Zubulake Is Still the Best E-Discovery Example from Which to Learn*," Panel Member (April 2, 2009). I have no notes, transcript, or recording. The address of the Law Journal is 123 Washington Street, Newark, NJ 07102.

United States District Court for the District of New Jersey, Summer Intern/Law Clerk Education Program, Director and Moderator (Summer 2009). I have no notes, transcript, or recording.

Meeting of the District of New Jersey Lawyers' Advisory Committee, Appeared and discussed amending Local Civil Rule 301.1(c): *Compensation to Mediators* (October 20, 2009). Meeting minutes supplied.

New York Intellectual Property Law Association, Continuing Legal Education, "Civility in Litigation," Speaker (November 5, 2009). Notes supplied.

New Jersey Institute for Continuing Legal Education, "Practice before United States Magistrate Judges," Panel Member (January 25, 2010). Audio supplied.

United States District Court for the District of New Jersey, Take Your Child to Work Day, Host (April 22, 2010). I have no notes, transcript, or recording.

Mock Trial for Essex Fells, New Jersey Public School Sixth-Graders, Host (June 3, 2010). I have no notes, transcript, or recording.

United States District Court for the District of New Jersey, Summer Intern/Law Clerk Education Program, Director and Moderator (Summer 2010). I have no notes, transcript, or recording.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

None of which I am aware.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

In April 2006, I was appointed a United States Magistrate Judge for the District of New Jersey. My term expires in May 2014. I preside over all pre-trial proceedings, including discovery, non-dispositive motion practice and settlement negotiations in civil cases. Where all parties consent, I preside over civil actions in full. In addition, I preside over the initial phase of all criminal matters, including initial appearances and bail hearings, and over certain criminal matters, including petty offenses and misdemeanors, in full.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

None.

- i. Of these, approximately what percent were:

jury trials: \_\_\_\_\_%

bench trials: \_\_\_\_\_%

civil proceedings: \_\_\_\_\_%

criminal proceedings: \_\_\_\_\_%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached list of opinions.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Altana Pharma AG v. Teva Pharm. USA, Inc.*, No. 04-cv-2355 (JLL)

This consolidated action consisted of five Hatch-Waxman cases brought by Plaintiffs Altana Pharma AG and Wyeth alleging infringement of U.S. Patent No. 4,758,579. The '579 patent is directed to the compound pantoprazole, the active ingredient in Protonix, Plaintiffs' blockbuster anti-ulcer drug. Pantoprazole belongs to a class of compounds known as proton pump inhibitors that inhibits the secretion of gastric acid in the stomach. The drug accounts for nearly \$2 billion in yearly sales and 10% of Wyeth's profits. I presided over pre-trial proceedings in this case from 2006 through the time of trial in 2010. During that time, I ruled on or resolved a large number of fact and expert discovery disputes, including those involving issues of privilege, testimony of withdrawn experts and bifurcation of related antitrust claims. I held numerous status conferences, hearings and oral arguments and ruled on multiple motions to amend. In addition, at the close of discovery, I pre-tried this matter and entered a Final Pre-trial Order. A jury liability trial (for two defendants who had launched generic products) and a bench liability trial (for a non-launching defendant) were conducted by the district judge. Plaintiffs prevailed in both the jury and bench trials. The liability phase of the matter is complete, however, the parties will be resuming damages discovery in the near future.

Counsel for Plaintiffs was William J. Heller (formerly a Partner at McCarter & English, LLP), Senior Vice President & General Counsel, New York Football Giants, Inc., Timex Performance Center, 1925 Giants Drive, East Rutherford, New Jersey 07073, Tel: (201) 935-2501. Counsel for Defendants was Michael E. Patunas, Lite DePalma Greenberg, LLC, Two Gateway Center, 12<sup>th</sup> Floor, Newark, New Jersey 07102, Tel: (973) 623-3000.

2. *West v. IDT Corp. & IDT Telecom, Inc.*, No. 01-cv-4372 (WHW)

Plaintiff, a telecommunications executive, brought suit against a telecommunications company for breach of a two-page handwritten employment agreement. The agreement provided for a \$1 million salary and the purchase of the executive's intellectual property and competing telecommunications business. I was assigned pre-trial management responsibilities in this case in 2008. Prior to that point, there had been two appeals of the district judge's granting of summary judgment in favor of the defendants and a trial on a portion of the plaintiff's claims. The trial resulted in a \$1.5 million verdict for the plaintiff on his *quantum meruit* claim, which was ultimately vacated. Immediately thereafter, I held a Final Pre-trial Conference in order to prepare the parties for a second trial and

entered a Final Pre-trial Order. The matter was tried for a second time by the district judge and a jury verdict was returned in favor of the plaintiff in the amount of \$10 million. Defendants immediately expressed their intention to appeal. In an effort to broker a final resolution of the parties' claims, I presided over several full-day mediation sessions. As a result of those mediations, I successfully settled this decade-old protracted litigation.

Counsel for Plaintiff was Joseph R. Scholz, McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, Newark, New Jersey 07102, Tel: (973) 639-6999. Counsel for Defendants was Donald A. Robinson, Robinson, Wettre & Miller, LLC, One Newark Center, 19<sup>th</sup> Floor, Newark, New Jersey 07102, Tel: (973) 690-5400.

3. *Nat'l Grp. for Commc'ns & Computers v. Lucent Technologies Int'l, Inc.*, No. 00-86 (JLL)

Plaintiff, a Saudi Arabian telecommunications company, filed suit against AT&T (subsequently known as Lucent Technologies) for breach of a subcontract agreement whereby Plaintiff was to act as AT&T's subcontractor in connection with the expansion of telecommunications services in Saudi Arabia. The subcontract was for approximately \$75 million and required Plaintiff to perform design and engineering services, civil construction work and to purchase and install certain telecommunications equipment. Plaintiff alleged that AT&T breached the agreement by implementing a competing telecommunications network and persuading the Saudi Arabian government to use that competing network. Plaintiff also alleged AT&T wrongfully terminated the agreement and failed to pay Plaintiff monies owed of over \$72 million. In response, AT&T asserted that Plaintiff failed to adequately perform under the contract. The matter was referred to me for pre-trial supervision. I ruled on several applications pertaining to discovery issues, including the substitution of defendant's expert. As a result of several lengthy mediation sessions over which I presided, I settled this case.

Counsel for Plaintiff was W. Cameron Beard, Blank Rome LLP, The Chrysler Building, 405 Lexington Avenue, New York, New York 10174, Tel: (212) 885-5268. Counsel for Defendant was Richard E. Donovan, Kelley Drye & Warren LLP, 101 Park Ave, New York, New York 10178, Tel: (212) 808-7756.

4. *Pactiv Corp. v. Perk-Up, Inc.*, No. 08-cv-5072 (DMC)

Plaintiff, a manufacturer of take-out food containers, brought suit against a former business partner turned competitor alleging patent infringement, trade dress infringement and breach of contract. Defendants counterclaimed for, among other things, an alleged antitrust violation based on Section Two of the Sherman Act and alleged sham patent litigations. I managed the pre-trial proceedings, which entailed holding numerous status conferences and hearing various applications,

including one related to the bifurcation of antitrust discovery. As a result of a lengthy mediation session over which I presided, I settled this matter.

Counsel for Plaintiffs was David E. DeLorenzi, Gibbons, P.C., One Gateway Center, Newark, New Jersey 07102, Tel: (973) 596-4743. Counsel for Defendants was Peter N. Wang, Foley & Lardner, LLP, 90 Park Avenue, New York, New York 10016, Tel: (212) 338-3401.

5. *J.H. Reid Gen. Contractor v. Conmaco/Rector, LP*, No. 08-cv-6034 (WHW)

Plaintiff, a heavy highway and bridge contractor, brought suit against the manufacturer and distributor of a hydraulic pile hammer, a highly specialized piece of construction machinery used for extremely large-scale projects such as bridge construction. Plaintiff brought claims for breach of the warranties of merchantability and fitness for a particular purpose. Plaintiff asserted that Defendants' allegedly defective hammer caused the delayed completion of a significant bridge construction project. I presided over pre-trial proceedings in this matter. Under that umbrella, I ruled on a motion for leave to file an amended answer and various discovery applications. As a result of an all-day mediation session over which I presided, and which was attended by principals from the United States and Asia, I settled the case.

Counsel for Plaintiff were Marc D. Haefner, Kevin J. Coakley, and Christine Intromasso Gannon, Connell Foley, LLP, 85 Livingston Avenue, Roseland, New Jersey 07068, Tel: (973) 535-0500. Counsel for Defendants was Robert C. Brady, Gibbons, P.C., One Gateway Center, Newark, New Jersey 07102, Tel: (973) 596-4617.

6. *Buck Consultants, Inc. v. Glenpointe Assocs.*, No. 03-cv-454 (JLL)

Plaintiff, a commercial tenant, brought suit against its landlord for the alleged wrongful denial of a proposed sublease. The property at issue involved a high-value commercial space and a lucrative sublease. The matter was referred to me for pre-trial supervision. To carry out that role, I held numerous status and settlement conferences. I ruled on various applications and heard the parties' discovery disputes. After dispositive motion practice, the remaining issue in the case was whether Defendant's denial of the proposed sublease was undertaken in bad faith. At that point, I held a lengthy Final Pre-trial Conference with the parties and entered a Final Pre-trial Order. The district judge held a bench trial and the parties appealed his decision on the bad faith issue to the Third Circuit. The parties ultimately agreed to withdraw their appeals and the case closed.

Counsel for Plaintiff was B. John Pendelton, Jr., DLA Piper, 300 Campus Dr., Suite 100, Florham Park, NJ 07932, Tel: (973) 520-2561. Counsel for Defendant were David M. Kohane and Michael S. Meisel, Cole, Shotz, Meisel, Forman &

Leonard PA, Court Plaza North, 25 Main Street, Hackensack, New Jersey 07601, Tel: (201) 489-3000.

7. *Cupid Founds., Inc. v. Jupi Corp.*, No. 07-cv-5506 (JLL)

Plaintiff, a garment manufacturer, brought suit alleging that a competitor infringed U.S. Patent No. 7,228,809. The '809 patent relates to shapewear, having finished edges, and the methods for the production of such garments. The matter was referred to me for pre-trial supervision. In carrying out that role, I held several conferences and hearings, and ruled on numerous discovery issues including whether or not discovery should precede the parties' claim construction hearing and whether the disclosure of confidential discovery should be limited to outside counsel and retained outside experts. I also addressed a motion for leave to file an amended answer. I referred the matter to mediation with a former district judge and the case ultimately settled.

Counsel for Plaintiff was Paul Hilger Kochanski, Lerner, David, Littenberg, Krumholz & Mentlik, LLP, 600 South Avenue West, Westfield, New Jersey 07090, Tel: (908) 518-6314. Counsel for Defendant was Mark M. Rottenberg, Rottenberg Lipman Rich, PC, Park 80 West, Plaza One, Saddle Brook, New Jersey 07665, Tel: (201) 490-2022.

8. *Chao v. Raceway Petroleum, Inc.*, Civil Action No. 06-cv-3363 (JLL)

This matter was brought by the United States Secretary of Labor against Defendants, a chain of gas stations, for violations of the Fair Labor Standards Act (FLSA). The Secretary alleged that Defendants violated the FLSA by failing to pay over 1,000 current and former employees overtime wages for hours worked in excess of forty each week. I presided over pre-trial proceedings in this case from 2006 through the time of trial in 2010. I held numerous conferences and hearings. I ruled on multiple discovery applications, including a motion pertaining to the informant's privilege. I held a Final Pre-trial Conference and entered the Final Pre-trial Order for the case. Thereafter, I ruled on a motion *in limine* regarding whether surveillance video tapes of the gas stations, which were not produced in discovery, could be used during trial. The case was tried in February 2010 and settled during the trial.

Counsel for Plaintiff was Diane Wade, U.S. Dept. Of Labor, 201 Varick Street, New York, New York 10014, Tel: (646) 264-3650. Counsel for Defendants was Christopher H. Lowe, Seyfarth Shaw, LLP, 620 Eighth Avenue, New York, New York 10018-1405, Tel: (212) 218-5523.

9. *Hoffman-La Roche, Inc. v. Mylan, Inc.*, No. 09-1692 (WJM)

Plaintiff Hoffman-La Roche brought suit alleging that a generic pharmaceutical manufacturer infringed U.S. Patent No. 5,472,949 by filing an Abbreviated New

Drug Application (ANDA) that sought FDA approval to engage in the marketing and sale of generic versions of Plaintiff's anti-cancer drug, Xeloda. The active ingredient in Xeloda is capecitabine. Xeloda is approved by the FDA for the treatment of breast and colorectal cancer and was the first oral chemotherapy drug approved for the treatment of cancer in the United States. It generates more than \$1 billion in yearly sales. In their ANDA, the generic manufacturer asserted that the '949 patent is invalid, unenforceable and/or not infringed by its generic copy of capecitabine. I presided over this case from its inception through July 2010. During that time, I held numerous conferences with the parties and ruled on a multitude of discovery issues. Such issues include the manner by which the inventors of the '949 patent – all of whom reside in Japan – were to be deposed and whether Defendants' invalidity contentions must identify a 'lead compound.' In July 2010, an additional magistrate judge was appointed in our district and this case was reassigned in connection with the redistribution of cases after his appointment.

Counsel for Plaintiff was Sheila McShane, Gibbons P.C., One Gateway Center, Newark, New Jersey 07102, Tel: (973) 596-4637. Counsel for Defendants was Arnold B. Calmann, Saiber LLC, One Gateway Center, 10<sup>th</sup> Floor, Newark, New Jersey 07102, Tel: (973) 645-4828.

10. *Novartis Pharm. Corp. v. Roxane Labs., Inc.*, No. 08-cv-2272 (JLL)

In this matter, Novartis alleged that two generic pharmaceutical manufacturers infringed U.S. Patent Nos. 5,840,763, 5,866,581 and 5,916,893 by filing an Abbreviated New Drug Application (ANDA) seeking FDA approval to engage in the commercial manufacture, use and sale of generic versions of Novartis' lucrative drug, Famvir. The active ingredient in Famvir is famciclovir. Famvir is approved by the FDA for the treatment of shingles, genital herpes and oral herpes. It generates more than \$150 million in yearly sales. In their ANDA, the generic pharmaceutical manufacturers asserted that the patents at issue are invalid, unenforceable and/or not infringed by their generic copy of famciclovir. Two cases involving the same parties and patents (but different dosages) were consolidated into this matter for pre-trial purposes. Those cases are *Teva Pharm. USA, Inc. v. Novartis Pharm. Corp., et al.*, Civil Action No. 05-cv-2881 (JLL) and *Novartis Pharm. Corp., et al. v. Roxane Labs., Inc.*, Civil Action No. 08-cv-1204 (JLL). During the pre-trial proceedings in this case, I held multiple conferences, hearings and oral arguments with the parties. I ruled on numerous discovery issues, including whether the parties must utilize the Hague Convention to secure the depositions of the foreign inventors on the patents at issue and the extent of fact and expert discovery that should precede the claim construction hearing. I also ruled on multiple motions to amend the pleadings. Discovery in this matter concluded in 2010. At that time, one generic defendant settled out of the case. Thereafter, Novartis and the remaining defendant filed a motion for claim construction, which was decided by the district judge. The parties recently

filed motions for summary judgment, which remain pending before the district judge.

Counsel for Plaintiff were Jonathan M.H. Short, McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, Newark, New Jersey 07102, Tel: (973) 848-5394; and Simon Roberts, Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112, Tel: (212) 218-2547. Counsel for Defendants were Jason B. Lattimore, Latham & Watkins, LLP, One Newark Center, 16<sup>th</sup> Floor, Newark, New Jersey 07102, Tel: (973) 639-7536; Kenneth G. Schuler, Latham & Watkins, LLP, 233 South Wacker Drive, Suite 5800, Chicago, Illinois 60606, Tel: (312) 876-7700; and Michael E. Patunas, Lite DePalma Greenberg, LLC, Two Gateway Center, 12<sup>th</sup> Floor, Newark, New Jersey 07102, Tel: (973) 623-3000.

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Altana Pharma AG v. Teva Pharm. USA, Inc.*, No. 04-cv-2355 (JLL), (CM/ECF Docket Entry No. 144) (D.N.J. Mar. 29, 2007) (copy attached)

Counsel for Plaintiffs was William J. Heller (formerly a Partner at McCarter & English, LLP), Senior Vice President & General Counsel, New York Football Giants, Inc., Timex Performance Center, 1925 Giants Drive, East Rutherford, New Jersey 07073, Tel: (201) 935-2501. Counsel for Defendants was Michael E. Patunas, Lite DePalma Greenberg, LLC, Two Gateway Center, 12<sup>th</sup> Floor, Newark, New Jersey 07102, Tel: (973) 623-3000.

2. *Pitocco v. Novartis Pharm. Corp.*, No. 07-cv-4723 (JLL), 2009 WL 5149252 (D.N.J. Dec. 17, 2009)

Counsel for Plaintiff were Christopher A. Seeger, Seeger Weiss LLP, One William Street, New York, New York 10004, Tel: (212) 584-0700; and David R. Buchanan, Seeger Weiss LLP, 550 Broad Street, Suite 920, Newark, New Jersey 07102, Tel: (973) 639-9100. Counsel for Defendants was Ethan D. Stein, Gibbons, PC, One Pennsylvania Plaza, New York, New York 10119, Tel: (212) 613-2041.

3. *Maiellano v. World Travel Grp., Inc.*, No. 06-cv-5835 (JLL), 2009 WL 605264 (D.N.J. Mar. 9, 2009)

Counsel for Plaintiffs was Diana Gomprecht, Epstein, Becker & Green, PC, 250 Park Avenue, New York, New York 10177, Tel: (212) 351-4503. Counsel for Defendant was William I. Strasser, Strasser & Associates, P.C., 7 East Ridgewood Avenue, Paramus, New Jersey 07652, Tel: (201) 445-9001.

4. *Demmick v. Cellco P'ship*, No. 06-cv-2163 (JLL), 2008 WL 750547 (D.N.J. Mar. 19, 2008)

Counsel for Plaintiffs was Stephen L. Dreyfuss, Hellring Lindeman Goldstein & Seigal, One Gateway Center, Newark, New Jersey 07102, Tel: (973) 621-9020. Counsel for Defendants were Heather V. Taylor and William T. Reilly, McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, Newark, New Jersey 07102, Tel: (973) 622-4444.

5. *Peerless Ins. Co. v. Ambi-Rad, Ltd.*, No. 07-cv-5402 (JLL), 2009 WL 790898 (D.N.J. Mar. 23, 2009)

Counsel for Plaintiff was Mark S. Labe, Baumann, Lynes & Viscomi, 155 Passaic Avenue, Fairfield, New Jersey 07004, Tel: (973) 808-9881. Counsel for Defendants were Michael Joshua Needleman, Chartwell Law Offices, The Bell Atlantic Tower, 1717 Arch Street, Philadelphia, Pennsylvania 19103, Tel: (215) 972-5404; and Robert Zimmerer, Zimmerer, Murray & Conyngham, Esqs., Plaza Two, Park 80 West, Saddle Brook, New Jersey 07663, Tel: (201) 845-7077.

6. *Coldwell Banker Real Estate LLC v. Exec. Residential Consultants, Inc.*, No. 09-cv-5513 (JLL), 2010 WL 1991456 (D.N.J. May 14, 2010)

Counsel for Plaintiff were Ronald A. Giller and Elio Daniel Shiloh, Gordon & Rees, LLP, 18 Columbia Turnpike, Suite 220, Florham Park, New Jersey 07932, Tel: (973) 549-2500; and Sarir Zandi, Gordon & Rees, LLP, 90 Broad Street, 23<sup>rd</sup> Floor, New York, New York 10004, Tel: (212) 269-5500. Counsel for Defendants were Gregory J. Sullivan, Hartsough, Kenny, Chase & Sullivan, 3812 Quakerbridge Road, Hamilton, New Jersey 08619, Tel: (609) 588-9800; and Richard F. Collier, Jr., Collier & Basil, PC, 29 Thanet Road, Suite 201, P.O. Box 3720, Princeton, New Jersey 08543, Tel: (609) 924-2213.

7. *Carbajo v. J.C. Penney Co., Inc.*, No. 09-cv-5661 (JLL), 2010 WL 2348704 (D.N.J. June 9, 2010)

Counsel for Plaintiffs was John M. Vlasac, Jr., Vlasac & Schmaruk, LLC, 467 Middlesex Avenue, Metuchen, NJ 08840, Tel: (732) 494-3600. Counsel for Defendants was Robert S. Moscow, II, McElroy, Deutsch, Mulvaney & Carpenter, LLC, 1300 Mount Kemble Avenue, Morristown, NJ 07962, Tel: (973) 425-8759.

8. *Solk v. Buffalo Acad. of Sci.*, No. 08-cv-1653 (JLL), 2009 WL 2969655 (D.N.J. Sept. 15, 2009)

Counsel for Plaintiffs was Robert J. DeGroot, 56 Park Place, Newark, New Jersey 07102, Tel: (973) 643-1930. Counsel for Defendant was Bernard Schenkler,

Damon & Morey, LLP, Avant Building Suite 1200, 200 Delaware Avenue, Buffalo, New York 41202, Tel: (716)856-5500.

9. *Days Inn Worldwide, Inc. v. Investment Props. of Brooklyn Ctr., LLC*, No. 08-cv-390 (JLL), 2009 WL 3153277 (D.N.J. Sept. 25, 2009)

Counsel for Plaintiff was David S. Sager, Day Pitney, LLP, P.O. Box 1945, Morristown, New Jersey 07962, Tel: (973) 966-8121. Counsel for Defendants was Vijayant Pawar, 35 Airport Road, Suite 330, Morristown, New Jersey 07960, Tel: (973) 267-4800.

10. *212 Marin Blvd., LLC v. Chicago Title Ins. Co.*, No. 09-cv-6366 (JLL), 2010 WL 3169280 (D.N.J. July 8, 2010)

Counsel for Plaintiffs were Stephen M. Plotnick and Herbert J. Stern, Stern & Kilcullen, LLC, 75 Livingston Avenue, Roseland, New Jersey 07068, Tel: (973) 535-1900. Counsel for Defendant were Aviva Y. Wein, Herrick Feinstein LLP, 210 Carnegie Center, Suite 102, Princeton, New Jersey 08540, Tel: (609) 452-3855; and Paul H. Schafhauser, Herrick Feinstein LLP, One Gateway Center, 22<sup>nd</sup> Floor, Newark, New Jersey 07102, Tel: (973) 274-2098.

- e. Provide a list of all cases in which certiorari was requested or granted.

To the best of my knowledge, certiorari has not been requested in any of my cases.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

None of my Reports and Recommendations has ever been rejected by a district judge. In addition, none of my opinions or orders has ever been reversed by a district judge.

In *Sheinberg v. Sorensen*, a case in which I exercise consent jurisdiction, I denied Plaintiffs' motion for recertification of the Plaintiff class. *Sheinberg v. Sorensen*, No. 00-cv-6041 (CCC), 2008 WL 928121 (D.N.J. Apr. 4, 2008). The class had been previously decertified by a former magistrate judge due to various errors made by Plaintiffs' counsel during the litigation. I found new class counsel continued to make the same sorts of errors and omissions cited in the original decertification opinion and I denied the motion for recertification. On appeal, the Third Circuit vacated my decision based on a procedural issue that counsel for both parties had not raised before me. The case was remanded for further proceedings. *Sheinberg v. Sorensen*, 606 F.3d 130 (3d. Cir. 2010).

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a magistrate judge, I issue orders on non-dispositive matters or orders on dispositive matters in consent cases and I issue reports and recommendations on all dispositive matters referred to me. My non-dispositive orders range from discovery matters, motions to amend the pleadings, motions to extend the discovery schedule and other miscellaneous civil motions. I issue hundreds of such orders in any given year. Very few of those orders are published, although I have filed all of my orders and opinions with our court's Electronic Case Filing system. With respect to dispositive motions referred to me by the district judge, those reports and recommendations are published electronically. In addition, the majority of my decisions addressing substantive issues are published electronically on Westlaw and LexisNexis.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

None.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;

- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I follow the federal recusal statutes and the Code of Conduct for United States Judges. In addition, I participate in our Court's automatic recusal system by which I maintain with the Clerk's Office a standing recusal list of individuals, entities, and law firms. I review and update the list on a regular basis. If a case is assigned to me involving a party or lawyer on the recusal list, it is automatically reassigned to another judge. Notably, my husband is a partner at a law firm in our State. He is on my standing recusal list and I recuse myself from any case involving his firm.

There has only been one instance in which I was asked to recuse beyond my standing recusal list. In *Role v. Local 3 P.M. & S.E. Union*, No. 08-cv-6011 (DMC) (D.N.J.), the *pro se* Plaintiff filed a motion for recusal of myself and the district judge assigned to the case, the Hon. Dennis M. Cavanaugh, U.S.D.J. Judge Cavanaugh denied the motion, finding that the Plaintiff had failed to articulate a valid basis for recusal and was merely a dissatisfied litigant. Thereafter, our district was assigned a new magistrate judge who assumed case management responsibilities on all of Judge Cavanaugh's cases, including the *Role* matter.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held any public offices other than judicial office. I have not had any unsuccessful candidacies or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not participated in any political campaigns, been a member of any political party or election committee, or held a position therein.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1989 – 1992

Office of the Corporation Counsel, City of New York

100 Church Street

New York, New York 10007

Assistant Corporation Counsel (Real Estate Litigation Division)

1992 – 1996

Robinson, St. John & Wayne

One Newark Center, 19<sup>th</sup> Floor

Newark, New Jersey 07102

Associate

1996

Robinson, Lapidus & Livelli

One Newark Center, 19<sup>th</sup> Floor

Newark, New Jersey 07102

Associate

1997 – 2004

Carpenter, Bennett & Morrissey

Three Gateway Center

100 Mulberry Street

Newark, New Jersey 07102

Associate (1997 – 2001)

Partner (2001 – 2004)

2004 – 2006

McElroy, Deutsch, Mulvaney & Carpenter

Three Gateway Center

100 Mulberry Street

Newark, New Jersey 07102

Of Counsel (2004 – 2005)

Partner (2005 – 2006)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

Prior to my time on the bench, I served as a certified mediator on the New Jersey Roster of Mediators for the New Jersey State Courts System.

As a Magistrate Judge, I conduct settlement conferences nearly every week. I have settled hundreds of cases in that capacity. The following is a description of ten of the most significant cases I have settled.

1. Mediated to a \$15 million settlement the breach of contract claims brought by a subcontractor retained to perform engineering, design and construction work in connection with the expansion of telecommunications services in a foreign country against a major American telecommunications company.
2. Mediated to a nearly \$1 million settlement the excessive force claims brought by an individual for injuries arising out of two gunshot wounds to her back (which ultimately resulted in her paralysis) against a police department and individual officer defendants.
3. Mediated to a \$3 million settlement the claims brought by an executive against his employer for damages arising out of the alleged breach of his employment agreement.
4. Mediated to settlement the Lanham Act claims brought by a manufacturer of dietary supplements against a manufacturer of allegedly infringing products.
5. Mediated to a \$4 million settlement the sexual harassment, gender discrimination and retaliation claims of two female police officers brought against a local police department and several individual officer defendants.
6. Mediated to a nearly \$2 million settlement the breach of warranty claims brought by a contractor against the manufacturer and distributor of allegedly defective construction equipment for damages arising out of the delayed completion of a multi-million dollar construction project.
7. Mediated to a \$1.5 million settlement the tortious interference and breach of contract claims brought by a manufacturer of automobile windshield wipers against its exclusive distributor for breach of a distributorship agreement.

8. Mediated to settlement the patent and trademark infringement claims brought by an Italian manufacturer of specialty cookware against a manufacturer of allegedly infringing products.
9. Mediated to settlement the copyright claims brought by a commercial photographer against a clothing retailer and a major credit card company for the unauthorized and unlicensed use of his photographs in an advertisement published in a rewards catalogue.
10. Mediated to settlement the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) claims brought by the operator of commuter rail passenger services against other rail service providers for damages arising out of the cleanup of environmental contamination of a local railyard.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

After graduating law school, I was appointed an Assistant Corporation Counsel in the Real Estate Litigation Department of the Office of the Corporation Counsel, City of New York. In that capacity, I defended the City of New York in cases involving municipal bidding laws, construction law, development and zoning laws, and constitutional challenges to municipal programs and development projects. I also brought cases on behalf of the City in connection with the financing of public housing.

After leaving the New York City Corporation Counsel's Office, I entered private practice with Robinson, St. John & Wayne and its successor firm, Robinson Lapidus & Livelli. At that point, my practice became a general one, with an emphasis on securities litigation. I spent a considerable portion of my time defending First Jersey Securities, Inc. in a complex securities fraud action brought by the Securities and Exchange Commission. I also represented brokerage houses and individual brokers in securities actions before administrative bodies. In the criminal field, I assisted in the defense of a criminal tax fraud action prosecuted in the District of New Jersey.

In 1997, I left the Robinson firm to join Carpenter, Bennett & Morrissey. At Carpenter (which merged with another firm and became known as McElroy, Deutsch, Mulvaney & Carpenter), I engaged in a general litigation practice in both the state and federal courts, handling matters ranging from toxic tort, product liability, commercial and construction/surety law claims, to employment, antitrust and patent lawsuits.

While at Carpenter, typical cases I litigated included the defense of international chemical companies against workplace exposure claims brought through individual suits as well as proposed class actions for medical monitoring. Other cases I defended involved allegations of environmental contamination by thousands of homeowners in a residential community located near a former war munitions plant. While at the Carpenter firm, I was part of the defense trial team in two such cases, which were tried before juries in the New Jersey Superior Court, Passaic County, against E.I. du Pont de Nemours and Company.

During my time at Carpenter, I was also active with complex construction cases, representing sureties in cases nationwide concerning the validity and enforcement of guarantees and bonds. I defended workplace assault cases and discrimination suits involving allegations of age, race and national origin discrimination. I also defended product liability claims in diverse categories including mechanical equipment, cleaning solvents and personal care products. In addition, I litigated claims for patent infringement, focusing in the area of household appliances.

Although most of my cases were on behalf of corporate defendants, I also represented plaintiffs, both individuals and corporations. My representation of plaintiffs spanned from the negotiation and drafting of severance agreements for individual clients to the litigation of commercial/contract claims on behalf of large corporations. As for *pro bono* matters, I was appointed as counsel by the court in criminal and parental rights cases.

I was also a State Court approved mediator and was active with numerous referrals from the court on mediation matters, which included commercial, construction and employment claims.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As noted above, during my tenure at the Corporation Counsel's office, I represented the City of New York and its various public agencies. While in private practice, I represented large corporations and individuals, primarily on the defense side.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Throughout my practice from 1989 to 2006, I appeared in court frequently.

i. Indicate the percentage of your practice in:

- |                             |      |
|-----------------------------|------|
| 1. federal courts:          | 40 % |
| 2. state courts of record:  | 55 % |
| 3. other courts:            |      |
| 4. administrative agencies: | 5 %  |

ii. Indicate the percentage of your practice in:

- |                          |      |
|--------------------------|------|
| 1. civil proceedings:    | 97 % |
| 2. criminal proceedings: | 3 %  |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried one case to conclusion as chief counsel. I tried three cases to conclusion as associate counsel.

i. What percentage of these trials were:

- |              |      |
|--------------|------|
| 1. jury:     | 50 % |
| 2. non-jury: | 50 % |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case was litigated; and
- the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Agnes v. E.I. du Pont de Nemours & Co.*, Civil Action Nos. 98-1405 (DMC), 98-3446 (DMC), 98-2639 (DMC), 99-740 (DMC), 99-4056 (DMC), 00-475 (DMC) (consolidated actions), United States District Court for the District of New Jersey, Hon. Dennis M. Cavanaugh

This case was brought by more than 500 Plaintiffs who owned neighboring properties to a site once operated by my client, Defendant E.I. du Pont de Nemours & Co, as a World War I and World War II era munitions plant. The Plaintiffs claimed that they were injured by soil and groundwater contamination that had resulted from du Pont's operation of the plant. The Plaintiffs sought damages for personal injury and property damage and the establishment of a medical monitoring program. After extensive fact and expert discovery, I successfully settled this case on behalf of du Pont in 2004. (Although this matter settled in 2004, there has been recent motion practice directed to the settlement.)

Counsel for Plaintiffs were Michael J. Marotte, Schenck, Price, Smith & King, LLP, 220 Park Avenue, P.O. Box 991, Florham Park, New Jersey 07932, Tel: (973) 539-1000; and Leonard Z. Kaufmann, Cohn, Lifland, Pearlman, Herrman & Knopf, LLP, Park 80 Plaza West One, Saddle Brook, New Jersey 07663, Tel: (201) 845-9600.

2. *Naftali v. E.I. du Pont de Nemours & Co.*, Docket No. PAS-L-364-98, Superior Court of New Jersey, Law Division, Passaic County, Hon. Frank M. Donato

This case was brought by more than 1,800 Plaintiffs who owned neighboring properties to a site once operated by my client, Defendant E.I. du Pont de Nemours & Co., as an explosives manufacturing plant. The Plaintiffs sought to recover damages for personal injury and property damages and the establishment of a medical monitoring fund. Like *Agnes*, the Plaintiffs here claimed that they were injured by soil and groundwater contamination which resulted from my client's operation of the plant. I was part of the team that tried the claims of ten Plaintiffs in a trial that lasted more than two months. At the conclusion of the evidence, the Court dismissed all punitive damages claims. My client won a defense verdict on one Plaintiff's claim for current illness. The jury returned modest personal injury awards for three Plaintiffs, and remained deadlocked on the remaining claims, which were ultimately settled.

Counsel for Plaintiffs was Michael Lombardi, Lombardi & Lombardi, P.A., 1862 Oak Tree Road, P.O. Box 2065, Edison, New Jersey 08818, Tel: (732) 906-1500. Counsel for Co-defendant Leander Woods was Kevin P. Harrington, Harrington & Lombardi, 508 Hamburg Turnpike, Wayne, New Jersey 07470, Tel: (973) 790-8900.

3. *SEC v. First Jersey Securities, Inc.*, Civil Action No. 85-8585 (RO), United States District Court for the Southern District of New York, Hon. Richard Owen

I was part of the trial team defending First Jersey Securities, Inc., a broker-dealer, in a significant and substantively complex securities fraud action brought by the Securities and Exchange Commission (SEC). After conducting a multi-year investigation of First Jersey, the SEC brought suit against it for excessive mark-ups on the sale of components of bundled securities. Discovery was intensive, with millions of documents produced and countless discovery and substantive motions before the court. The case culminated in a thirteen-week bench trial. The trial court's decision is reported at *SEC v. First Jersey Securities, Inc.*, 890 F. Supp. 185 (S.D.N.Y. 1995). The Second Circuit's decision affirming the trial court is reported at *SEC v. First Jersey Securities, Inc.*, 101 F.3d 1450 (2d Cir. 1996).

Counsel for Plaintiff was Christian J. Mixter, Morgan Lewis, 1111 Pennsylvania Avenue NW, Washington, D.C. 20004, Tel: (202) 739-5575.

4. *SEB S.A. v. Sunbeam Corp.*, Civil Action No. 98-1050 (WGB), United States District Court for the District of New Jersey, Hon. William G. Bassler

Plaintiff, a French corporation, brought suit against my client, Sunbeam Corporation, for infringement of patents to certain models of deep fryers. The fryers at issue were designed, manufactured and supplied to my client, Sunbeam, by Pentalpha Enterprises, a subsidiary of Global-Tech Appliances, Inc. Plaintiff also named Pentalpha and Global-Tech as defendants. On behalf of Sunbeam, I filed cross-claims against Pentalpha and Global-Tech for indemnification and breach of warranty. After discovery and considerable motion practice directed to the cross-claims, Plaintiff settled with all defendants. At that point, the only remaining issue in the case involved my client's claims for indemnification against the co-defendants. I then filed a motion to transfer the venue of this case to the United States District Court for the Southern District of Florida. The motion was granted, the case was transferred and the New Jersey docket closed, whereupon I ceased involvement in the case.

Counsel for Plaintiff was William Dunnegan, Dunnegan LLC, 350 Fifth Avenue, Suite 4908, New York, New York 10118, Tel: (212) 332-8300. Counsel for Co-Defendants Wing Shing Int'l Ltd. (BVI), Pentalpha Enterprises Ltd., and Global-Tech Appliances, Inc., was David M. Kohane, Cole, Schotz, Meisel, Forman, & Leonard, PA, Court Plaza North, 25 Main Street, Hackensack, New Jersey 07601, Tel: (201) 489-3000.

5. *Diversified Fin. Servs., Inc. v. E.I. du Pont de Nemours & Co.*, Docket No. L-6328-97, Superior Court of New Jersey, Law Division, Passaic County, Hon. W. Hunt Dumont

Plaintiff, an owner of neighboring property once used by my client, Defendant E.I. du Pont de Nemours & Co., as an explosives manufacturing plant, sought damages for alleged environmental contamination of his property. The Plaintiff claimed that a groundwater plume (an area of groundwater below his property that was contaminated with volatile organic compounds) had devalued his property. The case was tried to a jury, and at the conclusion of the evidence, Judge Dumont dismissed the Plaintiff's claim. The Appellate Division affirmed and the New Jersey Supreme Court denied certification.

Counsel for Plaintiff was Samuel D. Bornstein, Kinnelon Professional Complex, 170 Kinnelon Road, Kinnelon, New Jersey 07405, Tel: (201) 587-1117.

6. *Ramos v. PSE&G, RTE, Absolute Fire Protection, Emergency One, City of Newark and the State of New Jersey*, Docket No. L-014884-95, Superior Court of New Jersey, Law Division, Essex County, Hon. Julio M. Fuentes

Plaintiff, a firefighter, climbed an aerial ladder while fighting a fire and came into contact with high voltage power lines that were not de-energized. Plaintiff suffered personal injuries and brought suit against a local power company, alleging it negligently failed to deactivate the power lines in a timely manner. Plaintiff also brought claims against my client, RTE Corporation, alleging that RTE negligently manufactured and designed the transformer located in the vicinity of the fire. After extensive fact discovery, including numerous depositions, all claims against my client were dismissed with prejudice.

Counsel for Plaintiff was Patrick Whalen, 249 East Front Street, Trenton, New Jersey 08611, Tel: (609) 393-6970.

7. *Artis v. E.I. du Pont de Nemours & Co.*, Docket No. L-3797-00, Superior Court of New Jersey, Passaic County, Law Division, Hon. Susan L. Reisner

This case was brought by a proposed class of approximately 200 retired and former employees of a Rohm & Haas chemical manufacturing plant in Paterson, New Jersey. The Plaintiffs alleged that various chemical manufacturers, including my client, Defendant E.I. du Pont de Nemours & Co., manufactured and/or distributed hazardous chemicals to the Rohm & Haas plant between 1946 and 1990, and sought damages arising out of workplace exposure to the chemicals. The Plaintiffs asserted that exposure to these solvents caused them to be at increased risk for bladder cancer and sought the establishment of a medical monitoring program. After extensive fact and expert discovery and motion practice, a settlement was fashioned whereby medical monitoring would be

provided by the Plaintiffs' employer, Rohm & Haas. I then settled du Pont out of the matter.

Counsel for Plaintiffs was Steven H. Wodka, 577 Little Silver Point Road, P.O. Box 66, Little Silver, New Jersey 07739, Tel: (732) 530-2815. Counsel for Co-Defendants was James D. Pagliaro, Morgan, Lewis & Bockius, 1701 Market St., Philadelphia, Pennsylvania 19103, Tel: (215) 963-5668.

8. *In Re the Application of William A. Gross Const. Assoc., Inc. v. Gotbaum*, No. 2123, 10379/90. Decision reported at 150 Misc. 2d 478, 568 N.Y.S.2d 847 (N.Y. Sup. Ct., Queens Cnty., March 5, 1991), Hon. Fred J. Santucci

In this case, I successfully defended the New York City Parks Commissioner in an action involving the rejection of a public bid for the renovation of one of the largest public playgrounds in New York. The trial court's decision is now a leading case on a municipality's right to reject non-conforming construction bids.

Counsel for Petitioner was Michael A. Haskel, Mantell & Haskel (now known as Law Offices of Michael A. Haskel), 167 Willis Avenue, Mineola, New York 11501, Tel: (516) 294-0250. Counsel for Co-respondent Audax Construction Corp. was Joseph A. Baum, Pliskin, Rubano & Baum, 13711 Northern Boulevard, Flushing, New York 11354, Tel: (718) 539-2100.

9. *Sitar v. Ivax Corp.*, Docket No. L-4523-96, Superior Court of New Jersey, Union County, Law Division, Hon. Edward W. Beglin, Jr.

I defended my client, Ivax Corporation, against a former employee's claims that he was owed substantial bonus monies beyond what was paid to him in a severance agreement. I ultimately settled this case and a related case pending in Florida.

Counsel for Plaintiff was Earl M. Bennett, Husqvarna-North America Legal Affairs, 739 Statesville Road, Charlotte, North Carolina 28269, Tel: (704) 597-5000.

10. *Borsche v. Morton Int'l, Inc.*, Docket No. MID-L-3080-97, Superior Court of New Jersey, Middlesex County, Law Division, Hon. Richard P. Plechner

Plaintiff, a chemical operator employed at Morton International, a dye manufacturer, brought suit for damages arising out of workplace exposure to hazardous chemicals. The Plaintiff alleged that various chemical manufacturers, including my clients, du Pont and American Cyanamid Company, manufactured and/or distributed hazardous chemicals to Morton International. The Plaintiff asserted that he was exposed to these chemicals during his employment and that

such exposure caused him to develop bladder cancer. After discovery and motion practice, I successfully settled the case on behalf of my clients.

Counsel for Plaintiff was Steven H. Wodka, 577 Little Silver Point Road, P.O. Box 66, Little Silver, New Jersey 07739-0066, Tel: (732) 530-2815.

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Prior to becoming a judge, I spent my legal career as a litigator and the cases described above were representative of my practice.

I have not performed any lobbying activities on behalf of any clients or organizations.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught a class at an institution of higher learning or a law school. However, for the past several years, I have participated as a speaker at various legal education programs through the New Jersey Institute for Continuing Legal Education, Rutgers University School of Law and the New York Intellectual Property Law Association.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans, commitments or agreements to pursue outside employment, with or without compensation, if I am confirmed to be a United States District Judge.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My husband is a partner at the law firm of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C., based in Roseland, New Jersey. As a U.S. Magistrate Judge, I presently recuse myself and, if confirmed to the District Court, would continue to recuse myself on all cases involving any lawyer in his firm.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I would resolve any potential conflict of interest by adhering to 28 U.S.C. Section 455, the Code of Conduct for United States Judges, and all applicable policies and procedures of the United States Courts. I would recuse myself in any matter in which my spouse or I hold a financial interest or have a sufficiently close connection with counsel or the parties (business or social). In the event of uncertainty, I would err on the side of disqualification.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As a United States Magistrate Judge, I am not permitted to represent clients, pro bono or otherwise. However, I am a regular contributor to various continuing legal education seminars. In addition, I participate in programs designed to introduce youth to the legal community. To that end, I have hosted Bring Your Child to Work Day programs for the district court and a mock trial for a local sixth-grade class. Prior to my time on the bench,

I volunteered a considerable amount of my personal time to a variety of charitable organizations through the Junior League, such as Orphans with Aids, Human Needs Food Pantry, The Angel Connection and the Salvation Army.

**26. Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

Our senior senator, Senator Frank Lautenberg, empanelled a selection committee comprised of attorneys in New Jersey and members of his staff to assist him with his recommendation to the President. In September 2009, I interviewed with members of the committee. Thereafter, in October 2009, I interviewed with Senator Lautenberg at his New Jersey office. In February 2010, I interviewed with Senator Robert Menendez and a member of his staff. Subsequently, Senators Lautenberg and Menendez advised me that they had recommended me to the President.

Since August 12, 2010, I have been in contact with pre-nomination officials at the Department of Justice. I interviewed with attorneys from the White House Counsel's Office and the Department of Justice on September 29, 2010. On December 1, 2010, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Claire C. Cecchi, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

November 29, 2010

\_\_\_\_\_

(DATE)

*C. C. C.*

\_\_\_\_\_

(NAME)

*Susan A. Travis*

(NOTARY)

**Susan A. Travis**  
**Notary Public of New Jersey**  
**My Commission Expires**  
**March 23, 2015**  
**ID No. 2175648**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY



CHAMBERS OF  
**CLAIRE C. CECCHI**  
UNITED STATES MAGISTRATE JUDGE

Martin Luther King Jr., Federal Bldg.  
& U.S. Courthouse  
50 Walnut Street, Room 2064  
Newark, NJ 07102  
973-645-6664

January 5, 2011

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on December 1, 2010, to be United States District Judge for the District of New Jersey. I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

I also am forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,

A handwritten signature in cursive script that reads "Claire C. Cecchi".

Claire C. Cecchi

cc:

The Honorable Charles E. Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510