

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Shalina Deborah Kumar

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

United States District Judge for the Eastern District of Michigan

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.

Oakland County Circuit Court  
1200 North Telegraph Road  
Pontiac, Michigan 48341

Residence: Birmingham, Michigan.

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

1971; Royal Oak, Michigan

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.

1993 – 1996, The University of Detroit Mercy School of Law; J.D., 1996  
1989 – 1993, The University of Michigan – Dearborn; B.A., 1993 (with Distinction)

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.

2007 – present  
Sixth Judicial Circuit, Oakland County  
1200 North Telegraph Road  
Pontiac, Michigan 48341

Circuit Court Judge

2004 – 2007

Weiner & Cox (now Weiner & Assoc.)  
3000 Town Center, Suite 1800  
Southfield, Michigan 48075  
Associate Attorney

2000 – 2004

Sommers, Schwartz, Silver and Schwartz, P.C.  
2000 Town Center, Suite 900  
Southfield, Michigan 48075  
Associate Attorney

1999

Sherbow & Mitchell, P.L.C. (defunct)  
3001 Big Beaver Road  
Troy, Michigan 48084  
Associate Attorney

1998

Lopatin, Miller, et al. (defunct)  
3000 Town Center  
Southfield, Michigan 48075  
Associate Attorney

1997

Karolyn's School of Dance (defunct)  
43243 Woodward Avenue  
Bloomfield Hills, Michigan 48302  
Dance Instructor

1996

Bloomfield Hills Schools  
Bloomfield Hills, Michigan 48304  
Substitute Teacher

Summer 1994

Evans & Luptak (defunct)  
Buhl Building  
Detroit, Michigan 48226  
Law Clerk

1993

Glamour Shots  
Oakland Mall

Troy, Michigan  
Makeup Artist

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 was not required to register for the 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.

Oakland County Bar Association Distinguished Public Servant Award (2021)

Michigan Association for Justice Judicial Excellence Award (2017)

miindia.com Hall of Fame Award (2015)

Inaugural State Bar of Michigan Negligence Law Section Trial Judge of the Year Award (2015)

Asian Indian Women's Association Leadership Award (2012)

Detroit Business Magazine, Best Oakland County Judges (2012 – present)

North Oakland County Branch NAACP Preservation of Justice Award (2011)

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, Member (2018 – present)

Federal Bar Association, Sustaining Member (2011 – present)

Michigan Association for Justice, Member (1998 – present)

Executive Board Member and Amicus Committee (2002 – 2007)

AAJ Diversity Representative (approximately 2005 – 2007)

Michigan Judges Association, Member (2008 – present)

Executive Board Member (2011 – present)

Rules Committee (2011 – 2013)

Legislative Committee (2013 – present)

- Michigan State Bar Professionalism Work Group (2019 – present)
- Oakland County Bar Association, Member (2008 – present)
- Oakland County Bar Association, Circuit Court Liaison (2013 – 2017)
- Oakland County Bar Foundation, Fellow (2008 – 2018)
- Oakland County Bar Foundation, Life Fellow (2018 – present)
- Oakland County Circuit Court, Adult Treatment Court, Presiding Judge (Female Participants) (2015 – 2021)
- Oakland County Circuit Court, Criminal Assignment Committee (2010 – 2018)  
Chair (2015 – 2018)
- South Asian Bar Association of Michigan, Member (2011 – present)
- Urban Drug Court Pilot Project (2013 – 2015)
- Women’s Bar Association, Member (approximately 2004 – 2007)

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.

Michigan, 1997

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of 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 District Court for the Eastern District of Michigan, 1997

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.

Alliance of Coalitions for Healthy Communities Advisory Board (2021 – present)

Oakland County Bar Association Inn of Court (2008 – 2010)

Restore Foundation-Honorary Board Member (2021 – present)

University of Detroit Mercy Law School Inn of Court (2019 – present)

- 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.

To the best of my knowledge, none of the organizations listed above currently discriminates 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.

**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.

“Supreme Court Abolishes ‘Loss of Opportunity to Survive’ Claims for Living Plaintiffs, Creating Paradox,” MTLA Quarterly (“Michigan Trial Lawyers Association” n.k.a. “Michigan Association of Justice”), Volume 35, No. 3, Summer 2001. Copy supplied.

- 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.

State Bar Professionalism Work Group, Civility Principles. The results of my work on the committee, dated December 16, 2020, are supplied.

July 9, 2019: The State Bar of Michigan’s Public Policy Committee letters.

Referenced position statements that the Michigan Judges Association issued with regard to proposed court rule amendments. Copy supplied.

2019 Sixth Judicial Circuit & Oakland County Probate Court Annual Report. Copy supplied.

2019 Oakland County Comprehensive Annual Financial Report. While my name is listed in the Oakland County Financial Report because of my position as Chief Circuit Judge of Oakland County Circuit Court, I did not have any role in drafting, reviewing, or approving it. Copy supplied.

February 20, 2018: The State Bar of Michigan's Public Policy Committee letters. Referenced position statements that the Michigan Judges Association issued with regard to sentence medication and allowing parties to comment on propriety of declaring a mistrial prior to a court's order. Copy supplied.

2018 Sixth Judicial Circuit & Oakland County Probate Court Annual Report. Copy supplied.

2017 Sixth Judicial Circuit & Oakland County Probate Court Annual Report. Copy supplied.

Since 2011 I have served on the Executive Committee of the Michigan Judges Association. The Executive Committee votes on the position that the Michigan Judges Association will take with regard to proposed legislation, proposed court rule changes, and other administrative matters. As a result of these votes, the Executive Committee will sometimes direct the Michigan Judges Association President, or his or her designee, to draft a letter stating Michigan Judges Association positions, and is therefore issued on Michigan Judges Association letterhead. Copies supplied of letters issued on the following dates: February 9, 2021; July 30, 2020; July 1, 2020; June 13, 2017; September 21, 2016; June 1, 2015; August 27, 2014; May 15, 2013.

- 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.

League of Women Voters Oakland Area: Voter Guide – 2020 November General Election, Circuit Court Judge – 6th Circuit. A copy of voter guide with responses is supplied.

- 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.

May 21, 2021: Speaker, Swearing-In Ceremony, "Spring 2021 New Lawyers Admissions Ceremony," Oakland County Bar Association, Pontiac, Michigan. Video available at [https://www.youtube.com/watch?v=Z\\_aU0jRnX6s](https://www.youtube.com/watch?v=Z_aU0jRnX6s).

April 30, 2021: Panelist, "Judges' Panel: Impact of COVID-19, No-Fault Reform, and Beyond," and "Advice from the Bench," The Institute of Continuing Legal Education, Plymouth, Michigan. I sat as a panelist for discussion regarding the impact of COVID-19 and no-fault reform. I have no notes, transcript, or recording. The address for The Institute of Continuing Legal Education is 1020 Greene Street, Ann Arbor, Michigan, 48109.

April 20, 2021: Speaker, Adult Treatment Court Virtual Commencement Ceremony. I gave welcome remarks and an introduction of graduates. I have no notes, transcript, or recording. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

January 26, 2021: Speaker, Adult Treatment Court Virtual Commencement Ceremony. I gave welcome remarks and an introduction of graduates. I have no notes, transcript, or recording. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

December 17, 2020: Oath administrator, Swearing-In Ceremony of County Officials, Oakland County Circuit Court, Pontiac, Michigan. Press coverage supplied and video available at <https://www.youtube.com/watch?v=AdhyixZg80I>.

November 19, 2020: Oath administrator, Swearing-In Ceremony of County Executive and staff, Oakland County Circuit Court, Pontiac, Michigan. Video available at <https://www.youtube.com/watch?v=1ix4IPBB2Yk>.

November 13, 2020: Speaker, Swearing-In Ceremony, "Fall 2020 New Lawyers Admissions Ceremony," Oakland County Bar Association, Pontiac, Michigan. I gave welcome remarks and introductions only. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Bar Association is 1760 South Telegraph Road, Suite 100, Bloomfield Township, Michigan 48302.

November 13, 2020: Chief Judge, "Juror Safety Video," Oakland County Circuit Court, Pontiac, Michigan. Video available at <https://www.youtube.com/watch?v=kSzKfDuJQw4>.

October 7, 2020: Speaker, Adult Treatment Court Virtual Commencement Ceremony. I gave welcome remarks and introduction of graduates. I have no notes, transcript, or recording. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

June 11, 2020: Speaker, Michigan Association for Justice Virtual 75<sup>th</sup> Annual Convention virtual seminar. Recording supplied.

June 4, 2020: Speaker, "OCBA Annual Meeting & Awards Ceremony," Oakland County Bar Association, Bloomfield Township, Michigan. I gave the lawyers' oath, but no other remarks were made. I have no notes, transcript, or recording. The address for the Oakland County Bar Association is 1760 South Telegraph Road, Suite 100, Bloomfield Township, Michigan 48302.

April 15, 2020: Speaker, Adult Treatment Court Virtual Commencement Ceremony. I gave welcome remarks and introduction of graduates. I have no notes, transcript, or recording. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

February 5, 2020: Mock Trial Judge, "Students for Youth Day," Oakland County Circuit Court, Pontiac, Michigan. I presided over a mock criminal proceeding for the students. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Circuit Court is 1200 North Telegraph Road, Pontiac, Michigan 48341.

January 22, 2020: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and introduction of graduates. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

November 26, 2019: Speaker, "17<sup>th</sup> Annual Celebration of the Michigan Adoption Day," Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and introductions. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

October 23, 2019: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and introduction of graduates. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

September 5, 2019: Panelist, "Discover(y) Changes in Civil Procedure," Oakland County Bar Association, Troy, Michigan. Panel discussion about new discovery rules pursuant to Michigan Court Rule changes. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Bar Association is 1760 South Telegraph Road, Suite 100, Bloomfield Township, Michigan 48302.

August 19, 2019: Oath Administrator, Swearing-In Ceremony of County Executive, Oakland County Circuit Court, Pontiac, Michigan. Video available at <https://www.youtube.com/watch?v=h1DfCE7uiLs>.

July 25, 2019: Speaker, Investiture of the Honorable Kameshia Gant, Oakland County Circuit Court, Pontiac, Michigan. I gave welcome remarks, introductions, and administered the oath. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Circuit Court is 1200 North Telegraph Road, Pontiac, Michigan 48341.

July 10, 2019: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and introduction of graduates. I have no notes, transcript, or recording. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

April 17, 2019: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and introduction of graduates. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

March 14, 2019: Mock Trial Judge, "Techniques for Effective Voir Dire," Michigan Association for Justice, Detroit, Michigan. Mock voir dire was performed. I played the role of judge for a mock jury selection. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Michigan Association for Justice is 325 South Walnut Street, Lansing, Michigan 48933.

February 20, 2019: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and introduction of graduates. I have no notes, transcript, or recording. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

January 24, 2019: Oath Administrator, Investiture of the Honorable Jacob Cunningham, Oakland County Circuit Court, Pontiac, Michigan. I administered the oath of office. I have no notes, transcript, or recording, but press coverage is

supplied. The address for the Oakland County Circuit Court is 1200 North Telegraph Road, Pontiac, Michigan 48341.

January 17, 2019: Oath Administrator, Swearing-In Ceremony, Wayne State University, Detroit, Michigan. I administered the oath of office. I have no notes, transcript, or recording, but press coverage is supplied. The address for Wayne State University is 42 West Warren Avenue, Detroit, Michigan 48202.

January 9, 2019: Speaker, Swearing-in Ceremony, Oakland County Board of Commissioners, Pontiac, Michigan. I delivered the invocation only. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

November 20, 2018: Speaker, "17<sup>th</sup> Annual Celebration of the Michigan Adoption Day," Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and introductions. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

November 2018: Oath Administrator, Swearing-in Ceremony, Oakland County Circuit Court, Pontiac, Michigan. I administered the oath only. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Circuit Court is 1200 North Telegraph Road, Pontiac, Michigan 48341.

October 19, 2018: Panelist, "Michigan Assigned Counsel Fall Training," State Appellate Defender Office, Auburn Hills, Michigan. I was a panelist at a training seminar for criminal defense attorneys discussing the dos and don'ts at the state trial court level. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Michigan State Appellate Defender Office is 200 North Washington Square, Lansing, Michigan 48933.

October 3, 2018: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and introduction of graduates. I have no notes, transcript, or recording. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

September 14, 2018: Speaker, "Constitution Day," Oakland County Circuit Court, Pontiac, Michigan. I gave welcome remarks and introductions. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Circuit Court is 1200 North Telegraph Road, Pontiac, Michigan 48341.

July 11, 2018: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and introduction of graduates. I have no notes, transcript, or recording. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

June 4, 2018: Speaker, "OCBA Annual Meeting & Awards Ceremony," Oakland County Bar Association, Bloomfield Township, Michigan. I gave the lawyers' oath, but no other remarks were made. I have no notes, transcript, or recording. The address for the Oakland County Bar Association is 1760 South Telegraph Road, Suite 100, Bloomfield Township, Michigan 48302.

May 23, 2018: Mock Trial Judge, "Youth in Government Day," Oakland County Board of Commissioners, Pontiac, Michigan. I played the role of judge for mock jury arguments given by students. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

April 4, 2018: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and introduction of graduates. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

January 17, 2018: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and introduction of graduates. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

October 4, 2017: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and an introduction of graduates. I have no notes, transcript, or recording. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

July 12, 2017: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and an introduction of graduates. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

May 13, 2017: Honoree, "Judicial Excellence Award," Michigan Association for

Justice, Detroit, Michigan. I gave a brief thank-you speech. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Michigan Association for Justice is 325 South Walnut Street, Lansing, Michigan 48933.

May 2, 2017: Speaker, "OCBA Alternative Dispute Resolution Committee Seminar," Oakland County Bar Association, Bloomfield Township, Michigan. I discussed the benefits of alternative dispute resolution. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Bar Association is 1760 South Telegraph Road, Suite 100, Bloomfield Township, Michigan 48302.

April 5, 2017: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan 48341. I gave welcome remarks and an introduction of graduates. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

January 18, 2017: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and an introduction of graduates. I have no notes, transcript, or recording. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

January 12, 2017: Panelist, "OCBA – U" Oakland County Circuit Court – Civil Cases, Troy, Michigan. I participated in a panel discussion regarding dos and don'ts for civil cases in Oakland County. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Bar Association is 1760 South Telegraph Road, Suite 100, Bloomfield Township, Michigan 48302.

October 5, 2016: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and an introduction of graduates. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

July 13, 2016: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and an introduction of graduates. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

April 29, 2016: Panelist, "ICLE 3<sup>rd</sup> Annual No Fault Summit," The Institute of Continuing Legal Education, Plymouth, Michigan. I was a panelist for a discussion regarding no-fault laws. I have no notes, transcript, or recording. The address for The Institute of Continuing Legal Education is 1020 Greene Street, Ann Arbor, Michigan, 48109.

April 6, 2016: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and an introduction of graduates. I have no notes, transcript, or recording. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

January 27, 2016: Speaker, Adult Treatment Court Commencement Ceremony, Oakland County Board of Commissioners Auditorium, Pontiac, Michigan. I gave welcome remarks and an introduction of graduates. I have no notes, transcript, or recording. The address for the Oakland County Board of Commissioners is 1200 Court Tower Boulevard, Pontiac, Michigan 48341.

August 6, 2015: Honoree, Inaugural State Bar of Michigan Negligence Law Section Trial Judge of the Year, Bloomfield Township, Michigan. I gave a brief thank-you speech. I have no notes, transcript, or recording, but a press release is supplied. The address for the State Bar of Michigan is 306 Townsend Street, Lansing, Michigan 48933.

November 7, 2014: Panelist, "Judges Panel – Reptile Tactics – Impacts on Court," Michigan Defense Trial Counsel, Troy, Michigan. I participated in a panel discussion about trial strategies. I have no notes, transcript, or recording. The address for the Michigan Defense Trial Counsel is 12690 Grand Willow Drive, Grand Ledge, Michigan 48837.

November 12, 2013: Speaker, "A View from the Bench, Motion and Trial Practice," Association of Defense Trial Counsel, Troy, Michigan. I spoke to lawyers about dos and don'ts for motion and trial practice in state court. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Association of Defense Trial Counsel is 4315 Kiefer Road, Warren, Michigan 48091.

October 18, 2013: Panelist, "Voir Dire Seminar," Michigan Association for Justice, Southfield, Michigan. I was a panelist for a discussion on effective techniques for voir dire. I have no notes, transcript, or recording. The address for the Michigan Association for Justice is 325 South Walnut Street, Lansing, Michigan 48933.

March 14, 2013: Mock Trial Judge, Elementary Mock Trial, Oakland County Bar Association, Pontiac, Michigan. I presided over a mock trial with elementary students. I have no notes, transcript, or recording. The address for the Oakland

County Bar Association is 1760 South Telegraph Road, Suite 100, Bloomfield Township, Michigan 48302.

January 17, 2013: Speaker, Investiture of the Honorable Derek Meinecke, 44<sup>th</sup> District Court, Royal Oak, Michigan. I gave remarks and administered the judicial oath. I have no notes, transcript, or recording, but press coverage is supplied. The address for the 44<sup>th</sup> District Court is 400 East Eleven Mile Road, Royal Oak, Michigan 48067.

November 9, 2012: Speaker, "Judicial Address" at the Oakland County Bar Association's New Lawyer Admission Ceremony, Pontiac, Michigan. I gave welcome remarks and introductions. I have no notes, transcript, or recording. The address for the Oakland County Bar Association is 1760 South Telegraph Road, Suite 100, Bloomfield Township, Michigan 48302.

September 29, 2012: Honoree, Asian Indian Women's Association Leadership Award, Farmington Hills, Michigan. I gave a brief thank-you speech. I have no notes, transcript, or recording. The address for the Asian Indian Women's Association is 10946 Fellows Hill Drive, Plymouth, Michigan 48170.

August 30, 2012: Speaker, "Professionalism Orientation Program," Thomas M. Cooley Law School, Auburn Hills, Michigan. I spoke with law students about ethics and professionalism issues they could face as attorneys. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Thomas M. Cooley Law School, Auburn Hills Campus is 2630 Featherstone Road, Auburn Hills, Michigan 48326.

October 19, 2011: Speaker, "Motion-Day Mentor for New Lawyers Committee" Oakland County Bar Association, Pontiac, Michigan. I spoke to new lawyers about good techniques for motion practice. I have no notes, transcript, or recording. The address for the Oakland County Bar Association is 1760 South Telegraph Road, Suite 100, Bloomfield Township, Michigan 48302.

October 7, 2011: Honoree, North Oakland County Branch NAACP Preservation of Justice Award, Pontiac, Michigan. I gave a brief thank-you speech. I have no notes, transcript, or recording. The address for the Northern Oakland County Branch National Association for the Advancement of Colored People is 28 North Saginaw, Suite 910, Pontiac, Michigan, 48342.

September 16, 2011: Mock Trial Judge, "Constitution Day," Oakland County Circuit Court, Pontiac, Michigan. I presided over a mock trial with students. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oakland County Circuit Court is 1200 North Telegraph Road, Pontiac, Michigan 48341.

September 16, 2011: Speaker, "Preparing the Case Manager for Trial,"

Rehabilitation & Insurance Nursing Council, Bloomfield Hills, Michigan. I spoke at a seminar instructing nurse case managers how to prepare their cases for trial, including organizing medical records, meeting with attorneys and treating physicians, and preparing for depositions. I have no notes, transcript, or recording. The address for the Rehabilitation & Insurance Nursing Council is 9833 Elizabeth Lake Road, White Lake, Michigan, 48386.

April 1, 2011: Speaker, "'How To' Workshop," Michigan Association for Justice, Southfield, Michigan. I spoke at a seminar teaching young lawyers trial practice skills. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Michigan Association for Justice is 19390 West 10 Mile Road, Southfield, Michigan 48075.

March 25, 2011: "Co-Captain: Circuit-Probate Court Bench/Bar Conference" Oakland County Bar Association, Orchard Lake, Michigan. I participated in a group discussion regarding circuit court practice tips. I have no notes, transcript, or recording. The address for the Oakland County Bar Association is 1760 South Telegraph Road, Suite 100, Bloomfield Township, Michigan 48302.

May 7, 2010: Panelist, "65<sup>th</sup> Annual Rapid Fire Seminar," Michigan Association for Justice, Dearborn, Michigan. I was a panelist for a discussion about techniques to improve courtroom skills. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Michigan Association for Justice is 325 South Walnut Street, Lansing, Michigan 48933.

February 4, 2010: Panelist, "Trial Institute," Michigan Association for Justice, Southfield, Michigan. I was a panelist for a discussion regarding techniques to improve trial skills. I have no notes, transcript, or recording. The address for the Michigan Association for Justice is 325 South Walnut Street, Lansing, Michigan 48933.

November 2007: Honoree, Welcome Reception, Michigan Asian Pacific American Bar Association and South Asian Bar Association, Southfield, Michigan. Speech supplied.

October 25, 2007: Speaker, Judicial Investiture, Oakland County Circuit Court, Pontiac, Michigan. I gave a brief thank you speech at my investiture as Circuit Court Judge. Copy of speech, press release, and press coverage supplied. The address for the Oakland County Circuit Court is 1200 North Telegraph Road, Pontiac, Michigan 48341.

- 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.

Oralandar Brand-Williams, *Strain on Mich. Courts causes them to evolve*, Detroit News, Apr. 7, 2021. Copy supplied.

Tom Kirvan, *Retiring Oakland County judge 'set the bar' for business courts*, Flint-Genesee County Legal News, July 17, 2020. Copy supplied.

Elisha Anderson, *Wayne County official weigh releasing jail inmates vulnerable to coronavirus*, Detroit Free Press, Mar. 19, 2020. Copy supplied.

*New ombudspersons to begin duties at Circuit Court*, Oakland County Legal News, Nov. 26, 2019. Copy supplied.

Elisha Anderson, *Judge elected after her arrest gets 45 day unpaid suspension*, Detroit Free Press, Apr. 25, 2019. Copy supplied.

Linda Laderman, *At the helm: Chief judge aims to keep Sixth Circuit Court on 'positive' path*, Oakland County Legal News, Feb. 21, 2019. Copy supplied.

Elisha Anderson, *Video shows candidate's arrest; Oakland County judicial hopeful faces charges in drunken driving incident in Royal Oak*, Detroit Free Press, Oct. 10, 2018. Copy supplied.

Paula Tutman, *Oakland County judge weighs in on how juveniles are being punished for making school threats*, ClickOnDetroit.com, Mar. 16, 2018. Copy supplied.

Emma Klug, *Oakland County Circuit Court Focuses on Mental Health, Substance Abuse*, Hour Magazine, July 11, 2017. Copy Supplied.

John Wisely, *Oakland County judge's staff questioned about time off*, Detroit Free Press, May 30, 2017. Copy supplied.

Linda Laderman, *Circuit judge takes over new duties with Oakland County drug court*, Detroit Legal News, Dec. 22, 2015. Copy supplied.

Alan Stamm, *2 Oakland County judges clock out for summer event they skip, Freep finds*, Deadline Detroit, Oct. 16, 2013. Copy supplied (reprinted in multiple outlets).

Jennifer Murray, *Oakland County Judges Unite Behind Unity Slate*, Patch, Sept. 24, 2012. Copy supplied.

*Judicial Retirements: The Honorable John J. McDonald*, Oakland County Annual Report, (2010). Copy supplied.

Natalie Lombardo, *Here Comes the Judge*, Michigan Lawyers Weekly, Nov. 5,

2007. Copy supplied.

L.L. Braiser, *Bashful? Not in Court*, Detroit Free Press, Oct. 9, 2007. Copy supplied.

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.

I was appointed by Governor Jennifer Granholm to the Oakland County Circuit Court, State of Michigan on August 17, 2007, and sworn in on August 28, 2007. On November 4, 2008, I was elected to a full six-year term on the Oakland County Circuit Court. On January 1, 2010, I became the Chief Judge Pro Tempore for the Oakland County Circuit Court. On November 4, 2014, I was elected to an additional six-year term on the Oakland County Circuit Court. On January 1, 2018, I was appointed by the Michigan Supreme Court as Chief Judge for the Oakland County Circuit Court. On November 3, 2020, I was elected to an additional six-year term on the Oakland County Circuit Court. Michigan circuit courts are courts of general jurisdiction, handling all types of criminal, civil, and juvenile matters.

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

I have presided over approximately 10,548 cases that went to verdict, were resolved through entry of judgment, settled (with a later signed judgment), were nonsuited, and/or were dismissed. Since October 1, 2007, I have presided over 99 jury or bench trials that have gone to verdict or judgment. The percentages below represent the 99 cases that went to trial.

- i. Of these cases, approximately what percent were:

jury trials:	82%
bench trials:	18%

- ii. Of these cases, approximately what percent were:

civil proceedings:	30%
criminal proceedings:	70%

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

As a state trial court judge, most of my opinions are unreported decisions that the Clerk's Office disseminates to the parties involved in the case and maintains as part of the court record. The following cases are the only opinions of mine for which I was able to locate citations on publicly accessible database:

The list below are my decisions available on Internet databases.

*In re Kenschuh*, 2019 WL 286791 (Mich. Cir. Ct. Jan. 22, 2019)

*North Shore Injury Ctr., Inc v. Home-Owners Ins. Co.*, 2019 WL 11902146 (Mich. Cir. Ct. Sept. 3, 2019)

*Smith v. Buerkel*, 2019 WL 4732086 (Mich. Cir. Ct. June 5, 2019)

*Bennett v. William Beaumont Hosp.*, 2018 WL 5304196 (Mich. Cir. Ct. Jan. 18, 2018)

*Encompass Healthcare, PLLC v. Farm Bureau Ins.*, 2017 WL 11513163 (Mich. Cir. Ct. Sept. 27, 2017)

*Dumas v. Midland Mortgage Co.*, 2011 WL 11513592 (Mich. Cir. Ct. May 18, 2011)

*Woodward v. Trinity Health-Mich.*, 2009 WL 9390683 (Mich. Cir. Ct. Apr. 29, 2009)

*Charter Twp. of Lyon v. Milford Road East Development Ass'n, LLC*, 2009 WL 9390662 (Mich. Cir. Ct. Feb. 9, 2009)

*Monroe v. William Beaumont Hosp.*, 2008 WL 7089547 (Mich. Cir. Ct. Nov. 10, 2008)

*BC Tile & Marble Co., Inc. v. Multi Building Co., Inc.*, 2008 WL 9697766 (Mich. Cir. Ct. June 30, 2008)

*Walker v. Esordi*, 2008 WL 6841727 (Mich. Cir. Ct. June 11, 2008)

*Ritchie v. Kozlowski*, 2008 WL 2555873 (Mich. Cir. Ct. Jan. 10, 2008)

*Curry v. Cornerstone Building Group, Inc.*, 2008 WL 3889266 (Mich. Cir. Ct. Jan. 9, 2008)

- 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *U.S. Bank Trust, N.A. v. Gorge et al.*, Circuit Court Case No. 2017-159368-CH; *U.S. Bank Trust, N.A. v. Gorge et al.*, Circuit Court Case No. 2018-

In the 2017 action, Plaintiff U.S. Bank Trust, N.A., sued to foreclose on real property owned by Defendant Gorge, both individually and as trustee of The Gorge Family Trust. At issue in the matter was that Defendant Gorge purchased the property—and recorded a warranty deed—in the name of both himself individually and as trustee of The Gorge Family Trust; however, Defendant Gorge executed the note and mortgage in favor of Plaintiff's predecessor solely in his individual capacity. Defendant Gorge therefore argued that Plaintiff had no ability to foreclose on The Gorge Family Trust's interest in the property since it was unencumbered by a mortgage. Plaintiff sought to quiet title or reform the mortgage to include an interest against the trust.

The parties filed cross-motions for summary disposition. I held that there was no evidence that The Gorge Family Trust was a party to the mortgage agreement, and indeed there was actually evidence that Defendant Gorge originally agreed, as part of the mortgage agreement, to provide a warranty deed transferring the trust's interest to himself individually, further evidencing that the trust was never supposed to be encumbered by the mortgage. Furthermore, the fact that Defendant Gorge violated this provision of the mortgage agreement, and never actually transferred the trust's interest, did not give rise to any claim because more than six years (the applicable statute of limitations for breach of contract) had already transpired. Therefore, I granted Defendant Gorge's summary disposition motion, holding that Plaintiff's action was essentially a time-barred breach of contract action. However, I noted that no signed copy of the trust agreement had been produced, and that if the trust did not exist, then Defendant Gorge's entire interest in the real property was properly encumbered by the mortgage.

Plaintiff then filed the 2018 action, through which it contested that The Gorge Family Trust existed and sought a declaratory judgment that there was no such entity. Defendant Gorge filed a motion for summary disposition, asserting that the 2018 action was barred by the doctrines of res judicata and collateral estoppel. I denied this motion, allowing discovery to proceed as to the narrow issue of the existence of The Gorge Family Trust. At the conclusion of discovery, cross-motions for summary disposition were filed once again, and based on the admissible evidence before me, I held that there was no genuine issue of material fact that The Gorge Family Trust never existed, due to the lack of both direct evidence (a signed trust document) and circumstantial evidence (a lack of knowledge on the part of relevant witnesses that the trust existed) that The Gorge Family Trust was ever actually executed. Therefore, because The Gorge Family Trust was not a real entity, full title in the real property vested in Mr. Gorge individually, allowing Plaintiff to proceed with foreclosure of the property. The Court of Appeals affirmed all of my rulings.

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Counsel for defendant

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2. *People of the State of Michigan v. Walker*, Oakland County Circuit Court  
Case No. 2017-262242-FC

This was a case in which the defendant was charged with two counts of armed robbery, four counts of possession of a firearm in the commission of a felony, one count of weapons - firearms - possession by felon, one count of assault with intent to do great bodily harm less than murder, one count of home invasion 2<sup>nd</sup> degree, and one count of unlawfully driving away an automobile. It was alleged that the defendant, along with a co-defendant, robbed a jewelry store while armed. The allegations were that the owner of the store and his son were tied up in a storeroom and the defendant attempted to shoot the son. I ruled on a number of pretrial motions, including defendant's motion for a separate trial, which I granted. The defendant also filed a motion to quash the mandatory 25-year enhancement, which I denied based on relevant case law. I presided over the trial where the defendant was found guilty of two counts of armed robbery, four counts of possession of a firearm in the commission of a felony, one count of weapons - firearms - possession by felon, and one count of assault with intent to do great bodily harm less than murder. The convictions were upheld on appeal.

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3. *People of the State of Michigan v. King*, Oakland County Circuit Court Case No. 2016-257460-FC

The defendant was charged with first-degree murder, second degree arson, and unlawfully driving away of a motor vehicle. This case involved a man who hired an Uber to drive to the victim home, at which point they got into an altercation, and the defendant strangled and killed the victim. The defendant set the house on fire, drove the victim's car to another location, and called a second Uber to drive him back to Detroit. The second Uber driver was able to provide identification of the defendant at trial. The defendant filed a motion to quash the bind over of the count of first-degree premeditated murder, arguing no evidence showed sufficient probable cause of the premeditation element. The People of the State of Michigan argued that the defendant set two fires in an effort to conceal the crime, which can be evidence of premeditation. I denied the defendant's motion to quash, finding there was a question of fact as to whether there was sufficient evidence to support a finding of first-degree premeditated murder. The jury found the defendant guilty of second-degree murder, second degree arson, and unlawfully driving away of a motor vehicle.

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4. *Bennett and Bennett v. William Beaumont Hospital*, Circuit Court Case No. 2015-150234-NO

This was a general negligence action filed again Beaumont Hospital due to the alleged negligence of a nurse's aide. The nurse's aide tripped over a drawer while walking into the patient's room, falling on the patient's wife who was visiting, causing her severe injury. The defendant moved to dismiss, arguing the case should have been filed as a medical malpractice action, but I denied that motion. The defendant filed a motion in limine to exclude evidence of unsupported damages claiming that some of the plaintiff's injuries were not a result of the fall. I granted in part and denied in part the defendant's motion ruling that plaintiff's

internal medicine disease was not related to the fall but there remained questions of fact as to the reasons for the length of her hospital stay. The case proceeded to trial and the jury found in favor of the plaintiff.

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5. *People of the State of Michigan v. Simkins*, Oakland County Circuit Court  
Case No. 2014-251044-FC

The defendant was charged with open murder as a result of a physical altercation between the defendant and his neighbor. The defendant shot the neighbor in his leg causing him to bleed out and die. The defendant did call 911 in an effort to provide assistance to the victim, but unfortunately, they could not get to him in time. The defendant filed a motion to quash the district court judge's decision to bind this case over to circuit court on the charge of open murder. The defendant argued that the district court judge's ruling was not supported by sufficient evidence. I denied the defendant's motion to quash, finding that there was sufficient evidence to meet the elements of second-degree murder, which is sufficient probable cause to bind a case over on the charge of open murder. Therefore, I upheld the district court judge's ruling. The case proceeded to trial and the defendant was convicted of voluntary manslaughter.

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6. *People of the State of Michigan v. Young*, Oakland County Circuit Court Case No. 2012-241722-FC

This was a first-degree murder case involving an attack on the co-defendant's father and family members. The defendant, Mr. Young, was alleged to have conspired and participated in the beating death of his co-defendant's father. There were also allegations of beating of the co-defendant's mother and younger brother. There were multiple pretrial motions, including defendant's motion to quash the general information, arguing that there was a lack of evidence to support the district court judge's ruling finding sufficient probable cause to bind the case over to circuit court. I denied the defendant's motion to quash, finding there was sufficient probable cause based on the evidence presented to uphold the district court judge's rulings and bind over of the case. The defendant also filed a motion to suppress his statements to the police while being treated for injuries in the hospital. I denied the motion, ruling that the statements were voluntary, and his state of mind was not affected by any injury. The case went to trial and the jury found defendant guilty of first-degree murder. The conviction was upheld on appeal.

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7. *People of the State of Michigan v. Broadnax*, Oakland County Circuit Court Case No. 2011-237515-FH

This was a case in which the defendant was charged with unlawful imprisonment

and unlawfully driving away an automobile. The case proceeded to trial, and on day three, it was determined that the officer in charge had not turned over all of the discovery material to the assistant prosecutor, who, therefore, had not turned that material over to the defense. I declared a mistrial and dismissed the case with prejudice, as the evidence had been destroyed at that point. It was later determined that the wrong man had been accused and the real perpetrator was ultimately apprehended.

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8. *Logan, Personal Representative of the Estate of Logan v. Providence Hospital and Medical Centers et al.*, Circuit Court Case No. 2010-109887-NH

This was a medical malpractice action. The decedent went into the emergency room with symptoms of a heart attack but was misdiagnosed by the emergency room physical and sent home. Shortly thereafter, he died of a heart attack, leaving his wife and adopted stepchildren. Throughout the pending litigation, I ruled on multiple discovery motions, motions in limine, including granting defendants' motion in limine to exclude plaintiff's claim that defendant Hospital did not fax medical records to another facility and denying defendants' motion in limine to exclude evidence of future wage loss. The case went to trial and the jury rendered a verdict in favor of the plaintiff.

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9. *Nowaczewski, individually as Next Friend of Wyatt and Wyatt v. Consumers Energy Company*, Oakland County Circuit Court Case No. 2009-103148-NO

This was a case involving a gas explosion causing a fire at the plaintiff's home leaving him with severe burns and other injuries. The plaintiff alleged that the gas explosion was due to negligence on the part of Consumers Energy. Throughout the pending litigation, I ruled on multiple pretrial motions, including discovery motions, motions in limine and a motion for summary disposition. The defendant filed a motion for summary disposition claiming that it was not the cause of the explosion in this case. Plaintiff's expert testified that there was a gas leak that was a proximate cause of the explosion. Therefore, I ruled that there was a question of fact as to the cause of the explosion and denied the defendant's motion for summary disposition. I denied plaintiff's motion for sanctions, including default, due to defendant's spoliation of evidence. The defendant did not preserve a pipe that was involved in the gas explosion. I denied plaintiff's request for default, but I reserved ruling on giving a jury instruction regarding an adverse inference. Ultimately, I did not need to reach a decision on jury instructions as the case settled in the middle of trial.

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10. *CVS Pharmacy, Inc. v. Naftaly et al.*, Oakland County Circuit Court Case No. 2008-096365-AS

The plaintiff sought superintending control or a writ of mandamus to compel the state tax commission to issue a valid order and to classify subject parcels of property in a particular manner. I granted the plaintiff's request for a writ of mandamus compelling the state tax commission to issue a valid order deciding the classification of the subject property. The case before me was consolidated for appeal with eight other circuit court cases (*Iron Mountain Information Management, Inc. v. State Tax Comm'n*, 286 Mich. App. 616 (2009), *rev'd sub nom. Midland Cogeneration Venture Ltd Partnership v. Naftaly*, 489 Mich. 83 (2011)). The Court of Appeals reversed all the circuit court rulings, holding that there is no authority to appeal a state tax commission ruling to circuit court for the year of the petition.

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- 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. *Kresch Revocable Trust v. Gardin, AIG Holdings, and AIG Developments, LLC, and Gardin, AIG Holdings, and AIG Developments, LLC, v. Kresch*, Oakland County Circuit Court Case No. 2020-180954-CH. Opinion supplied.

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2. *Berry v. Wright, Building Official and the City of Walled Lake, a Municipal Entity*, Oakland County Circuit Court Case No. 2020-183135-AW. Opinion supplied.

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3. *William L. Fry v. Templeton Building Co., Mag Insulation, and Icynene Inc. and Templeton Building Co., v. Mag Insulation*, Oakland County Circuit Court Case No. 19-174636-NO. Opinion supplied.

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4. *Glasson v. Innovative Pharmaceutical Solutions Group, LLC, et al.*, Oakland County Circuit Court Case No. 2019-172656-CD. Opinion supplied.

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5. *Elizabeth Trace Condominium Association v. American Global Enterprises, Inc.*, Oakland County Circuit Court Case No. 2018-170537-CH. Opinion supplied.

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6. *U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust v. Gorge, et al.*, Oakland County Circuit Court Case No. 2018-170130-CH. Opinion previously supplied in response to Q13c.

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7. *Brunet v. City of Rochester Hills*, Oakland County Circuit Court Case No. 2018-164764-CZ. Opinion supplied.

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8. *Matoian, M.D., v. RBK Investments, LLC and Etkin Management, LLC, and RBK Investments, LLC v Premier Women's Health and Selective Insurance Company of the Southeast*, Oakland County Circuit Court Case No. 2018-168657-NO. Opinion supplied.

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9. *Michigan Vanguard Properties, LLC v. Scott, and Scott, et al., v. Michigan Vanguard Properties, LLC, et al.*, Oakland County Circuit Court No. 16-154148-CK. Opinion supplied.

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10. *Lynette Duncan as Personal Representative of the Estate of David Duncan, Deceased v. Liberty Mutual Insurance Company*, Oakland County Circuit Court Case No. 2013-135409-NF. Opinion supplied.

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

To my knowledge, and from a search of legal databases, none of my cases has been the subject of a petition for certiorari to the Supreme Court of the United States.

- 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.

My decisions were reversed in the following cases:

*Doa v. Lopez*, No. 352980, 2021 WL 2619717 (Mich. Ct. App. June 24, 2021). This was an automobile negligence action with one plaintiff and two defendants. One defendant filed a motion for summary disposition claiming there was no evidence of negligence on its part. Ruling from the bench, I initially granted that motion, however I later granted a motion for reconsideration because the responding party had expert testimony that created a question of fact. The Court of Appeals agreed with my ruling on the motion for reconsideration, but determined that I did not have jurisdiction to decide the motion because one of the parties had already filed an application for leave to appeal. Therefore, the Court of Appeals reversed my original ruling on the motion for summary disposition stating that my opinion on the motion for reconsideration was correct.

*Bartalsky v. Osborn*, No. 349317, 2021 WL 2171095 (Mich. Ct. App. May 27, 2021). This case involved the transporting of the plaintiff on a stretcher in a hospital parking lot, and plaintiff injured his hip when the stretcher fell over. Plaintiff sued the defendants under theories of ordinary negligence and medical malpractice. The defendants filed a motion for summary disposition arguing that the Michigan Emergency Medical Services Act (EMSA) provides immunity for the acts or omissions of a licensed EMT. Ruling from the bench, I granted the defendants' motion for summary disposition. The Court of Appeals reversed my ruling in a 2-1 decision, holding that the EMSA did not provide immunity for the transport of the patient with no additional medical care.

*People v. Williamson*, No. 331075, 2019 WL 4230674 (Mich. Ct. App. Sept. 5, 2019) (per curiam). The defendant was convicted of possession with intent to deliver 50 grams or more but less than 450 grams of cocaine on the basis of contraband discovered in his home during a search. The Court of Appeals reversed another judge's ruling regarding the search warrant. After remand to the trial court, the original trial judge recused himself, and the case was transferred to me. Pursuant to the Court of Appeals' first opinion, I held an evidentiary hearing regarding the validity of the search warrant. The issue came down to the detective's credibility. Ruling from the bench, I found that the detective's testimony was credible, and the search warrant was valid. The Court of Appeals reversed my credibility determination and remanded the case for an additional evidentiary hearing and further findings. At that point, the prosecutor chose to dismiss the case.

*Lichon v. Morse et al.*, 327 Mich. App. 375 (2019). This was a case involving a question of whether the matter should be removed to arbitration pursuant to an arbitration agreement. I ruled from the bench in favor of the defendant and ordered the case be removed to arbitration. The Court of Appeals reversed my decision, finding that pursuant to public policy, the arbitration agreement should not apply to the allegations contained in the complaint. The defendant appealed, and that appeal is currently pending before the Michigan Supreme Court.

*DC Mex Holdings LLC v. Affordable Land LLC*, 320 Mich. App. 528 (2017). In this case, after the judgment was affirmed on appeal, plaintiff filed a request for a writ of nonperiodic garnishment naming the Prudential Insurance Company of America as the garnishee. After the writ of garnishment was entered, the defendant filed a motion to quash it, but I denied that motion. The Court of Appeals reversed my ruling, holding that the cash value of defendant's life insurance policy was exempt from execution or liability to any creditor of the insured. Copy of my written opinion supplied.

*Lakin v. Rund*, 318 Mich. App. 127 (2016). I granted in part and denied in part the defendant's motion for summary disposition. I denied the defendant's motion for summary disposition on the claim of defamation per se. I held that, because defendant Rund's statement described a criminal battery committed by plaintiff, plaintiff's claims of defamation per se did not require proof of special damages. The Court of Appeals reversed my ruling, concluding that a conviction for battery would not subject an individual, if convicted, to an "infamous punishment," such that a false accusation of battery would not constitute defamation per se. Copy of my written opinion supplied.

*Ronnisch Const. Group, Inc. v. Lofts on the Nine, LLC*, 499 Mich. 544 (2016). The plaintiff alleged breach of contracts and unjust enrichment and sought foreclosure of a lien. The parties agreed to a stay of the proceedings in circuit court and proceeded with arbitration. Plaintiff later filed a motion in circuit court for confirmation of the arbitration award and sought attorney fees and costs under MCL 570.118(2) of the Construction Lien Act. Defendant argued that plaintiff's motion should be denied because defendant had already satisfied the arbitration award by paying plaintiff, and that no attorney fees were warranted because once the breach of contract claim had been satisfied, the lien foreclosure claim became moot. I denied plaintiff's motion and held, with respect to attorney fees, that because defendant had paid plaintiff the amount owed under the arbitration award and neither the circuit court nor the arbitrator had adjudicated plaintiff's lien foreclosure claim, plaintiff was not a prevailing lien claimant and the circuit court did not have discretion to award attorney fees and costs under the Construction Lien Act. The Michigan Supreme Court reversed my ruling, holding that a party may be awarded reasonable attorney fees if it prevails in arbitration on a related contract claim brought in the same action as its lien foreclosure claim and if it was a lien claimant under the Construction Lien Act when it became the prevailing party. Copy of my written opinion supplied.

*Gallagher v. Persha*, 315 Mich. App. 647 (2016). Ruling from the bench, I granted defendant's motion for summary disposition, holding that the plaintiff's piercing the corporate veil claim could not be brought as a separate cause of action. The Court of Appeals agreed with the general principle that piercing the corporate veil is an equitable remedy rather than a cause of action but concluded that the rule did not apply in this specific case. The Court of Appeals held that when judgment already exists against a corporate entity, an additional cause of

action is not needed to impose liability against a shareholder or officer if a court finds the necessary facts to pierce the corporate veil.

*Morelli v. City of Madison Heights*, 315 Mich. App. 699 (2016). The Court of Appeals reversed my ruling from the bench, denying defendant's motion for summary disposition on plaintiff's claim that she was injured after she stepped into a hole on defendant's property. The Court of Appeals held that the defendant did not owe plaintiff a duty to fill in the hole.

*MI Ass'n of Home Builders v. City of Troy*, 497 Mich. 281 (2014); *MI Ass'n of Home Builders v. City of Troy*, 504 Mich. 204 (2019). In this case, I granted summary disposition in favor of the city, ruling that the court did not have jurisdiction over plaintiff's lawsuit because it failed to exhaust its administrative remedies under MCL 125.1509b before filing its complaint. The Court of Appeals affirmed my decision. The Michigan Supreme Court reversed the Court of Appeals, holding that because the administrative procedures established by MCL 125.1509b do not apply to the city's legislative body, plaintiffs were not required to exhaust their administrative remedies. I issued decisions in both 2012 and 2016. Copies of my written opinions supplied.

*Mich. Head & Spine Institute v. State Farm Mut. Auto Ins. Co.*, 299 Mich. App. 442 (2013). Ruling from the bench, I granted partial summary disposition in favor of plaintiff in this action for reimbursement of medical expenses under the no-fault act, MCL 500.3101 *et seq.* Because defendant's insured executed a release that barred plaintiff's claims for reimbursement, the Court of Appeals reversed and remanded for entry of summary disposition in favor of defendant.

*Charter Township of Lyon v. McDonald's USA, LLC, et al.*, 292 Mich. App. 660 (2011). After conducting a bench trial in a condemnation action, I awarded the intervening defendant compensation for the taking of property and utilities that it spent millions of dollars to develop. The Court of Appeals reversed that decision, holding that the intervening defendant did not have a property interest in the easement taken. The Supreme Court upheld the Court of Appeals. Copy of my written opinion supplied.

*CVS Pharmacy, Inc. v. Naftaly, et al.*, 286 Mich. App. 616 (2009), *rev'd sub nom. Midland Cogeneration Venture Ltd Partnership v Naftaly*, 489 Mich. 83 (2011). In this case, the plaintiff sought superintending control or a writ of mandamus to compel the state tax commission to issue a valid order and to classify subject parcels of property in a particular manner. My case was consolidated for appeal with eight other circuit court cases. *Iron Mountain Information Management, Inc v State Tax Comm'n*, 286 Mich. App. 616 (2009), *rev'd sub nom. Midland Cogeneration Venture Ltd Partnership v Naftaly*, 489 Mich. 83 (2011). The Court of Appeals reversed all of the circuit courts' rulings, holding that there is no

authority to appeal a state tax commission ruling to circuit court for the year of the petition. Copy of my written opinion supplied.

*Donigan v. Oakland County Election Commission*, 279 Mich. App. 80 (2008). Ruling from the bench, I reversed the Oakland County Election Commission's 2-1 vote approving language in a petition for recall of Representative Donigan, finding that the language was insufficiently clear pursuant to M.C.L. 168.952 (1)(c) because the language was limited to certain portions of a legislative bill for which Representative Donigan voted. I ruled that the petition language was misleading as to the true effect of the bill. The Court of Appeals reversed that decision, holding that the language was sufficiently clear.

My decisions in the following cases were reversed in part:

*Fed. Nat'l Mortg Ass'n v. Lagoons Forest Condo Ass'n*, 305 Mich. App. 258 (2014). The Court of Appeals affirmed in part and reversed in part my ruling denying summary disposition in favor of plaintiff/counter-defendant and granting summary disposition in favor of defendant/counter-plaintiff. I ruled from the bench that, subsequent to a foreclosure of a condominium unit, plaintiff was liable for association assessments owed to defendant pursuant to MCL 559.211. The Court of Appeals agreed in part finding that the quitclaim transfer the plaintiff obtained was a "sale or conveyance" under MCL 559.211, but that specific provisions of MCL 559.158 governed the circumstances. The Court of Appeals found that the plaintiff owed association assessments that were only due post-acquisition of title to the unit. The Court of Appeals affirmed my ruling granting summary disposition in favor of defendant and dismissing plaintiff's claim for common law slander of title, statutory slander of title, and unlawful reporting of documents with intent to harass or intimidate.

*Elser v. Auto Owner's Ins. Co.*, No. 294068, 2013 WL 1008929 (Mich. Ct. App. Mar. 14, 2013). The Court of Appeals affirmed in part and reversed in part my rulings regarding post-trial motions. The Court of Appeals upheld my denial of defendant's JNOV motion but reversed my decision to reduce plaintiff's award of penalty interest. The Court of Appeals also affirmed my ruling denying plaintiff's motion for attorney fees. Copy of my written opinion supplied.

*People v. Brantley*, 296 Mich. App. 546 (2012). The Court of Appeals affirmed in part and reversed in part my rulings in this first-degree criminal sexual conduct case. The Court of Appeals affirmed the defendant's conviction for first degree criminal sexual conduct and my imposition of lifetime electronic monitoring as part of his sentence. The Court of Appeals reversed my ruling from the bench assessing ten points for offense variable ten, holding that there was no evidence that the defendant and the victim were involved in a domestic relationship. The case was remanded to me for resentencing.

- 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.

All the opinions I issue are unpublished. The opinions are electronically filed with the case. As a state trial court judge presiding over a civil and criminal docket, I hear and rule on a large volume of matters. My total number of active cases averages between 450 to 500 cases at any given time. I also hear and rule on matters post-judgment, post-settlement, and post-sentencing. On average, I hear and rule on four summary disposition motions every week. All opinions are electronically filed in the case the opinion pertains to (with counsel receiving those opinions electronically as the attorneys of record). Opinions are sent via United States mail to those individuals who are not listed on the electronic filing system for that case (for example, a defendant in prison who files an in pro per matter).

- 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.

I have not issued any significant opinions on federal or state constitutional issues.

- 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.

In determining the necessity or propriety of recusal, I follow the guidance and rules provided by Michigan Court Rule 2.003 and the Michigan Code of Judicial Conduct.

*Lennon v. Lennon*, Oakland County Circuit Court Case No. 2020-181202-CZ. I recused myself from this matter sua sponte, due to a colleague's spouse being a named party. To avoid the appearance of impropriety, I felt it was best that I recuse myself in the matter.

*Gallimore v. Lombardo et al.*, Oakland County Circuit Court Case No. 2020-180071-NO. I recused myself from this matter sua sponte, due to my judicial assistant's family member being a named party. To avoid the appearance of impropriety, I felt it was best that I recuse myself in the matter.

*Newland v. Gossett et al.*, Oakland County Circuit Court Case No. 2020-179535-NO. I recused myself sua sponte because details of this matter were discussed with me prior to the filing and assignment to me.

*Upper Long Lake Estates Corporation v. Palakurthi*, Oakland County Circuit Court Case No. 2019-173024-CK. I had to administratively recuse myself from this case after becoming a patient of defendant's wife, who is a physician.

*Holland et al. v. Berkshire Hathaway Homestate Ins. Co.*, Oakland County Circuit Court Case no. 2018-168967-NF. Plaintiff filed a motion to recuse me, arguing I was not being fair to him. I did not rule on the motion and instead administratively recused myself because I learned of issues in the case outside of the court proceedings.

*Burgaj et al. v. Romanzi et al.*, Oakland County Circuit Court Case No. 2016-155616-NM. I recused myself sua sponte because details of this matter were discussed with me prior to the filing and assignment to me.

*Constant v. DTE Electric Company*, Oakland County Circuit Court Case No. 2016-153631-CZ. The defendant in this matter filed a motion to recuse me from the case because he was unhappy with previous rulings I made against him. I granted his motion for other reasons, specifically that this defendant had a pending action filed against me in federal court at the time. To avoid the appearance of impropriety, I granted his motion to recuse based on the pending lawsuit he filed against me, not for the reasons he argued in his motion.

*Cyr Cyr v. Maes, et al.*, Oakland County Circuit Court Case No. 15-147411-CZ. I recused myself from this matter sua sponte, due to my judicial assistant's family member being a named party. To avoid the appearance of impropriety, I felt it was best that I recuse myself in the matter.

*Mort Meisner Associates v. Lewis*, Oakland County Circuit Court Case No. 2015-

146915-AV. I recused myself sua sponte due to a previous business relationship I had with one of the parties. To avoid the appearance of impropriety, I felt it was best that I recuse myself in the matter.

*Bafna v. Brynmawr Condominium Association*, Oakland County Circuit Court Case No. 14-142789-CZ. The defendant in this matter filed a motion to recuse me. He also filed a Judicial Tenure Complaint against me. His behavior in the court had become so volatile that I felt I could no longer be fair to him, and I therefore granted his motion to recuse.

*Treece-Wagner, Individually and as Next Friend of Wagner and Wagner v. Henry Ford Health System*, Oakland County Circuit Court Case No. 2013-135268-NH. The defendant in this matter filed a motion to recuse me in this case because the plaintiff's attorney was my former spouse. At this point, the plaintiff's attorney and I had been divorced for over eight years. I researched the Michigan Court Rules and Michigan Code of Judicial Conduct regarding this issue and found no guidance with respect to former spouses practicing in my court. I discussed the issue with my Chief Judge, who also happened to be on the Judicial Tenure Commission and decided there was no requirement that I recuse myself. I felt I could be unbiased and could treat everyone fairly. Therefore, I denied the motion. The defendant appealed that ruling to the Chief Judge, who upheld my ruling. I did, however, agree to administratively transfer the case to another judge who had a previous filing of the same matter assigned to him, so it was properly before that judge.

*Dyke, as Personal Representative of the Estate of Ofoegbu v. Orchard Living View, Inc.*, Oakland County Circuit Court Case No. 2013-134510-NO. I recused myself from this matter sua sponte, due to my familiar relationships with the parties involved. To avoid the appearance of impropriety, I felt it was best that I recuse myself in the matter.

*DTE Electric Company v. Constant*, Oakland County Circuit Court Case No. 2013-132055-CH. The defendant in this matter filed a motion to recuse me from the case because he was unhappy with previous rulings I made against him. I granted his motion for other reasons, specifically that this defendant had a pending action filed against me in federal court at the time. To avoid the appearance of impropriety, I granted his motion to recuse based on the pending lawsuit he filed against me, not for the reasons he argued in his motion.

*Almonrode v. Sullivan, Ward, Asher & Patton, P.C., et al.*, Oakland County Circuit Court Case No. 11-122425-CZ. Prior to the case being assigned to me, a lawyer who was a member of the defendant law firm discussed with me some details about the case. When the case was subsequently assigned to me, I recused myself sua sponte because I had previous knowledge of the issues involved.

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.

Elected Sylvan Lake City Council (1997 – 1998)

Unsuccessful candidacy for Sylvan Lake City Council (1996)

- 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.

In a handful of occasions, I have, consistent with Michigan's Code of Judicial Conduct, endorsed my judicial colleagues for reelection. On a couple of occasions, I have also endorsed for election lawyers who I felt met the qualifications to serve.

With the exception of my re-election campaigns in 2008, 2014, and 2020, I never held a position in a political campaign. I did participate in fundraising activities for then-Governor Jennifer Granholm in the 2005 to 2007 timeframe prior to becoming a judge.

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 have not served 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;

1998 – 1999

Lopatin, Miller, et al. (defunct)

3000 Town Center  
Southfield, Michigan 48075  
Associate Attorney

1999 – 2000  
Sherbow & Mitchell, P.L.C. (defunct)  
3001 Big Beaver Road  
Troy, Michigan 48084  
Associate Attorney

2000 – 2004  
Sommers, Schwartz, Silver and Schwartz, P.C.  
2000 Town Center, Suite 900  
Southfield, Michigan 48075  
Associate Attorney

2004 – 2007  
Weiner & Cox (now Weiner & Assoc.)  
3000 Town Center, Suite 1800  
Southfield, Michigan 48075  
Associate Attorney

2007 – present  
Sixth Judicial Circuit, Oakland County  
1200 North Telegraph Road  
Pontiac, Michigan 48341  
Circuit Court Judge

- 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.

I have never served as a mediator or arbitrator.

b. Describe:

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

After I was sworn in as an attorney in June of 1997, I was not employed but shadowed criminal attorneys, occasionally standing in for them on the record.

As an associate attorney at Lopatin, Miller, et al. from 1998 to 1999, I represented clients in personal injury matters. I conducted depositions, handled motion practice, and participated in trial work.

As an associate attorney at Sherbow & Mitchell, P.L.C. from 1999 to 2000, I represented defendants in both civil personal injury and criminal matters. I conducted depositions and handled motion practice, criminal arraignments, pre-trials, and sentences. I also represented clients in workers compensation matters.

As an associate attorney at Sommers, Schwartz, Silver and Schwartz, P.C. from 2000 to 2004, I represented clients in medical malpractice cases. I handled depositions, prepared discovery documents, argued all forms of motions including motions for summary disposition and other pre-trial motions, and conducted jury trials.

As an associate attorney at Weiner & Cox (now Weiner & Associates) from 2004 to 2007, I represented clients in medical malpractice cases. I handled depositions, prepared discovery documents, argued all forms of motions including motions for summary disposition and other pre-trial motions, and conducted jury trials.

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

For the vast majority of my career as an attorney prior to becoming a judge, I represented injured clients in medical malpractice actions. My entire legal career as a lawyer was in the field of personal injury law, with the exception of a few criminal defense matters.

- 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.

- i. Indicate the percentage of your practice in:

- 1. federal courts: <1%
- 2. state courts of record: 98%
- 3. other courts: 0%
- 4. administrative agencies: <1%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 99%
- 2. criminal proceedings: 1%

- 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.

As an attorney, I tried approximately ten cases to verdict, judgment, or final decision in Michigan state courts. Of these cases, I tried seven cases as associate counsel and three cases as sole counsel.

- i. What percentage of these trials were:
  - 1. jury: 100%
  - 2. non-jury: 0%

- 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:

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

- 1. *The Estate of Wright v. St. Joseph Mercy Health System et al.* (Washtenaw County Circuit Court, Judge Timothy Connors, 2007).

This case involved a wrongful death action alleging medical malpractice against the defendants. I prepared discovery responses, participated in depositions, and handled pretrial motions. I represented the plaintiff as associate counsel. The case settled for a confidential amount.

Dates of Representation: approximately April 2006 – April 2007

Co-counsel

Cy Weiner  
Weiner & Associates  
3000 Town Center, Suite 1800  
Southfield, MI 48009

(248) 351-2200

Counsel for Defendant

Cyril Empey  
2929 Plymouth Road, Suite 250  
Ann Arbor, MI 48105  
(734) 332-6010

2. *The Estate of Barry v. Henry Ford Hospital* (Wayne County Circuit Court, Judge Sheila Ann Gibson, 2006).

This case involved the death of a 55-year-old man from lung cancer. It was alleged that physicians at Henry Ford Hospital failed to timely diagnose the cancer. I prepared discovery responses, participated in depositions, and handled pretrial motions. I represented the plaintiff as associate counsel. The case settled for a confidential amount.

Dates of Representation: approximately March 2006 – June 2007

Co-counsel

Cy Weiner  
Weiner & Associates  
3000 Town Center, Suite 1800  
Southfield, MI 48009  
(248) 351-2200

Counsel for Defendant

Anthony Paradiso  
2151 Livernois Road, Suite 300  
Troy, MI 48083  
(313) 965-4510

3. *The Estate of Simpson, Deceased, by Simpson, Personal Representative v. Cornerstone Health Services, P.C. et al.* (Macomb County Circuit Court, Judge Deborah Servitto, 2006).

This was a medical malpractice action involving the death of a 34-year-old man. He presented to his family physician and was seen by the nurse practitioner with complaints of left arm pain, chest tightness and jaw pain. He was diagnosed with a gastrointestinal problem. A few months later, Mr. Simpson presented to his family physician with a request for clearance to exercise at work. The physician cleared him for exercise without a cardiac work up. A few months later, Mr. Simpson died from a cardiac arrest while playing basketball. I represented the plaintiff along with Cy Weiner. I litigated and prepared the case for trial, including all discovery matters, depositions, and motion

practice. Mr. Weiner and I shared the duties during the trial. The jury found the physician and nurse practitioner negligent and awarded \$3 million to the decedent's estate.

Dates of Representation: approximately January 2006 – December 2006

Co-counsel

Cy Weiner  
Weiner & Associates  
3000 Town Center, Suite 1800  
Southfield, MI 48009  
(248) 351-2200

Counsel for Defendants

Steve Cheolas (P32178)  
10 South Main, Suite 200  
Mt. Clemens, MI 48043  
(586) 493-4410

4. *The Estate of Moss v. Henry Ford Hospital and Medical Center* (Wayne County Circuit Court, Judge Susan Borman, 2005).

This case involved the death of a 70-year-old woman as a result of alleged negligence on the part of hospital staff while performing dialysis on Ms. Moss. I prepared discovery responses, participated in depositions, and handled pretrial motions. I represented the plaintiff as associate counsel. The case settled for a confidential amount.

Dates of Representation: approximately July 2005 – July 2006

Co-counsel

Cy Weiner  
Weiner & Associates  
3000 Town Center, Suite 1800  
Southfield, MI 48009  
(248) 351-2200

Counsel for Defendant

Lee Stevens  
3001 West Big Beaver Road, Suite 200  
Troy, MI 48084  
(248) 645-9400

5. *The Estate of Devoll v. Meadows* (Wayne County Circuit Court, Judge John H. Gillis, 2005).

This case involved the death of a 46-year-old woman following oral surgery. It was alleged that the nurse was negligent in providing an overdose of pain killers resulting in Ms. Devoll's death. I prepared discovery responses, participated in depositions, and handled pretrial motions. I represented the plaintiff as associate counsel. The case settled for a confidential amount.

Dates of Representation: approximately May 2005 – March 2006

Co-counsel

Cy Weiner  
Weiner & Associates  
3000 Town Center, Suite 1800  
Southfield, MI 48009  
(248) 351-2200

Counsel for Defendant

James Farrell  
525 West Ottawa Street, Floor 4  
P.O. Box 30217  
Lansing, MI 48933  
(517) 335-3055

6. *The Estate of Vovk v. Providence Hospital et al.* (Oakland County Circuit Court, Judge Rudy Nichols, 2005).

This case involved a wrongful death action alleging medical malpractice against the defendants. I prepared discovery responses, participated in depositions, and handled pretrial motions. I represented the plaintiff as associate counsel. The case settled for a confidential amount.

Dates of Representation: approximately April 2004 – June 2005

Co-counsel

Cy Weiner  
Weiner & Associates  
3000 Town Center, Suite 1800  
Southfield, MI 48009  
(248) 351-2200

Counsel for Defendant

Robert Siemion  
One Towne Square, Suite 1400  
P.O. Box 5068  
Southfield, MI 48086  
(248) 357-1400

7. *The Estate of Hicks v. Almeda et al.* (Wayne County Circuit Court, Judge John H. Gillis, 2004).

This case was a wrongful death action alleging medical malpractice against the defendants for failing to diagnose a diabetic condition in the decedent. I handled discovery matters, depositions, and pretrial motions. I represented the plaintiff and was co-counsel at trial. The jury awarded a \$1.5 million verdict for the plaintiff.

Dates of Representation: approximately March 2004 – April 2004

Co-counsel

Cy Weiner  
Weiner & Associates  
3000 Town Center, Suite 1800  
Southfield, MI 48009  
(248) 351-2200

Counsel for Defendant

Noreen Slank  
4000 Town Center, Suite 909  
Southfield, MI 48075  
(248) 355-4141

8. *Evans, Personal Representative of the Estate of Evans v. Grannell* (Berrien County Circuit Court, Judge John N. Fields, 2003).

In this case, a diabetic woman presented to the emergency department with an injury to her hand after sustaining a fall at home. After being admitted to the hospital, the orthopedic physician diagnosed the woman with reflex sympathetic dystrophy in her hand despite signs of infection. The physician concluded the woman was feigning her pain, and the infection went untreated. She was eventually transferred to another hospital where the infection was diagnosed but, by that time, the infection had spread throughout her body and she died as a result. The second hospital said if the infection had been diagnosed by the orthopedic physician at the first hospital, it could have been successfully treated. I litigated this case handling all discovery matters, pretrial motions and preparation for trial. I represented the plaintiff and was sole counsel at trial.

Dates of Representation: approximately 2002 – 2003

Counsel for Defendant

Steve Berry (P26398)  
170 College Avenue, Suite 320  
Holland, MI 49423  
(616) 796-9600

9. *Donohoe v. Allen* (Livingston County Circuit Court, Judge Stanley J. Latrielle, 2002).

In this case, the plaintiff had an orthopedic foot injury which was incorrectly positioned in a cast. Despite multiple complaints to her physician, he did not diagnose or correct the problem. Due to the incorrect setting of the bone, the bone did not heal properly, and the woman suffered permanent damage to her ankle. I litigated and prepared the case for trial, including handling all discovery matters, depositions and pretrial motions. I represented the plaintiff and was sole counsel at trial.

Dates of Representation: approximately 2002

Counsel for Defendant

Steve McGraw (P26568)  
500 Woodward Avenue, Suite 2500  
Detroit, MI 48226  
(313) 961-0200

10. *Shuttleworth and Shuttleworth v. Miller et al.* (Oakland County Circuit Court, Judge Edward Sosnick, 2000).

Plaintiff, Mr. Shuttleworth, was severely injured in an automobile accident requiring two back surgeries along with other significant treatment. I was sole counsel and litigated the case in its entirety, including handling all discovery matters, pretrial motions and case evaluation. The matter settled for \$1.1 million after two facilitations.

Dates of Representation: approximately February 2000 – January 2002

Counsel for Defendants

Gregory Gromek (P30164)  
38505 Woodward Avenue, Suite 2000  
Plunkett & Cooney, PC  
Bloomfield Hills, MI 48304  
(248) 901-4030

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.)

I have been Chief Judge of the Oakland County Circuit Court for over three years, and my responsibilities have included managing the second largest trial court in the state during the pandemic, which required me to take unprecedented actions such as training the judges to handle all matters remotely, developing COVID safety guidelines, and increasing the budget to allow for more technology for remote work.

As a judge, I play a very active role in all matters, and have presided over many complex civil and criminal cases and spend a significant amount of time resolving these matters. I have presided over the Adult Treatment Court for over five years, handling both the substance abuse and mental health dockets to help treat and divert defendants from jail. As Chief Judge, I made changes to our court and budget to promote fair and equal access to justice, including significantly raising the indigent criminal defense trial and appellate attorney fees. I also included compensation for those attorneys for more contact and interaction with their clients to promote effective assistance of counsel.

Outside the courtroom, I participate in the Detroit Mercy Law Inn of Court Program, and I have participated in the past in the Oakland County Bar Association Inn of Court Program. Both of these programs are designed to teach litigation skills to law students. I am active in the Michigan Judges Association, host students for visits to the courthouse, and speak at various seminars and events for the Michigan Association for Justice, the National Business Institute, I.C.L.E., Cooley Law School and other groups.

As an attorney for 11 years, I handled complex civil litigation matters representing the rights of injured parties, most of which settled prior to trial.

I have never acted or registered as a lobbyist.

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 taught at the University of Detroit Mercy Law Inn of Court from September 2018 to April 2019, from September 2019 to April 2020, and from September 2020 to April 2021. The course focused on teaching young lawyers comprehensive legal skills including client intake, discovery preparation, conducting depositions, preparing and arguing motions, opening/closing statement, direct and cross examination of witnesses, motions in limine, etc.

I also taught at the Oakland County Bar Association Inn of Court from September 2008 to April 2009 and from September 2009 to April 2010. The course focused on teaching young lawyers comprehensive legal skills from client intake, discovery preparation, conducting depositions, preparing and arguing motions, opening/closing statement, direct and cross examination of witnesses, motions in limine, etc.

Copies of available syllabi supplied.

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.

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.

I do not anticipate any potential conflicts-of-interest involving family members or other persons, parties, categories of litigation, or financial arrangements if confirmed to the position to which I have been nominated. If confirmed, I will

recuse myself from any matter where I have ever played any role, either as judge or as advocate. Generally, I will evaluate any other real or potential conflict of interest on a case-by-case basis and determine appropriate action, including recusal, with the input of parties and after consulting the applicable canons of judicial ethics.

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

If confirmed, I will carefully review and address any real or potential conflicts of interest by reference to 28 U.S.C. § 455 and all applicable canons of the Code of Conduct for United States Judges.

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.

During my years as an attorney, I worked with the Michigan Association for Justice for Bike Helmet Events providing helmets, training, and education without cost for children. I volunteered at Thanksgiving to participate in Meals on Wheels providing meals to those who could not afford a Thanksgiving meal.

Since taking the bench, I have made myself available to participate in many charitable events such as Haven, JVS (Jewish Vocational Services), and Grace Centers of Hope. Also, I was on the Steering Committee for the Oakland County Council Against Domestic Violence. I participate in food drives, I am currently on the Advisory Board of the Alliance of Coalitions for Healthy Communities, I volunteer my time for the Detroit Mercy Law Inn of Court Program and previously for the OCBA Inn of Court Program, and I volunteer my time to preside over the Adult Treatment Court.

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.

On February 9, 2021, I submitted my application to the office of Senator Debbie Stabenow. On March 2, 2021, I received an email from the chair of the Advisory

Committee asking me to an interview with the committee. On March 10, 2021, I had my interview with the Advisory Committee. On April 19, 2021, I received a phone call from Senator Gary Peters informing me that my name had been sent to the White House for consideration. Later that day, I received an email from the White House Counsel's Office scheduling my interview with them, which took place on April 21, 2021. Since April 24, 2021, I have been in contact with the Office of Legal Policy at the Department of Justice. On July 13, 2021, my nomination was submitted 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.